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ABSTRACT

The results of a survey of all state and territorial statutes relating to private education are displayed in 65 tables that include excerpts from statutes and citations. Because compulsory education laws provide the basis for most state regulation of private education, the survey also reveals basic requirements for children in public schools. The format for each table is that a specific question is asked; then responses, in alphabetical order by state, are either "No provision" or the relevant statute and legal citation are quoted. State responses to compulsory education and private education exhibit a fascinating range. Thirty-seven states explicitly prohibit assistance to private schools or, in some states, to parochial schools. Laws for school attendance age requirements range from 5 to 8 years for beginning school and from 13 to 18 years for ending school. The number of hours in a school day under compulsory education laws varies from 4 to 7 hours. Days of instruction required per year range from 150 to 190 days. Some states require private schools to be accredited; some require licensure; some make hardly any demands on private schools. (MLF)

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STATE LEGISLATIVE POLICIES ON PRIVATE EDUCATION

Prepared by the ECS Law and Education Center
January, 1984

(Funded by NIE Grant #G-83-0007, Program on Educational Policy and Organization)

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Education attorneys at the Education Commission of the States have surveyed all state and territorial statutes relating to private education. Results are displayed in 65 tables which include excerpts from statutes and citations. This survey should serve as a reference work to anyone interested in state responses to private education. As compulsory education laws provide the basis for most state regulation of private education, the survey also yields useful information to those interested in some basic requirements for children in public schools.

The survey was restricted to statutory data from the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam and the Virgin Islands (referred to generally as "50-state" data, although 55 jurisdictions are included). Administrative policies and regulations are not within the scope of this particular research.

State responses to compulsory education and private education exhibit a fascinating range. For example:

- One state provides a constitutional excuse from compulsory schooling laws based on conscientious objection.
- Thirty-seven states explicitly prohibit assistance to private schools or, in some states, to parochial schools.
- Ages for children compelled to be educated range from 5 (Guam, Virgin Islands and Virginia) to 8 (Pennsylvania, Puerto Rico and Washington) for beginning ages; from 13 (Puerto Rico) to 18 (American Samoa), for ending ages.
- The number of hours in a school day under compulsory education laws varies from four hours (several states) to seven (Texas).
- Days of instruction required per year range from 150 days (Arkansas) to 190 (New York, Rhode Island).
- Virtually all states enforce compulsory education requirements through criminal sanctions against parents, but few impose similar sanctions against public officials who fail to observe the mandates of the law.
- Some states require private schools to be accredited; some require licensure; some make hardly any demands on private schools.

EA 017 131

STATE LEGISLATIVE POLICIES ON PRIVATE EDUCATION: ACTUAL TITLES OF 50-STATE CHARTS

Prepared by the ECS Law and Education Center
January, 1984

The following is a list of the titles to the 50-state tables showing statutory provisions affecting private education (including home instruction). State officials and their immediate staff may order up to four tables free of charge. For anyone not in a state office, and for any order above four, the cost is $3.00 per table. A master table is available covering all forms of state assistance for private education (tables VI(A) through VI(I), 68 pages) for $10. The complete set of 65 tables is available for $100. Summary tables are free to state officials; and at a cost of $3.00 to others. A list of summary tables is available on request.

Order by outline number, or check the tables desired and return this list to Terry Shinkle, Distribution Center, Education Commission of the States, 1860 Lincoln Street, Denver, Colorado 80295. (303 830-3600). Requests for free copies should go to the ECS Law Center, at the same address.

I(A). DOES THE STATE CONSTITUTION ALLOW FOR EXCUSAL FROM THE COMPULSORY EDUCATION REQUIREMENT FOR REASONS OF CONSCIENCE?

I(B). DOES THE STATE CONSTITUTION EXPRESSLY FORBID SUPPORT TO PRIVATE SCHOOLS?

I(C). ARE THERE ADDITIONAL STATE CONSTITUTIONAL PROVISIONS AFFECTING PRIVATE EDUCATION (OTHER THAN PROVISIONS GRANTING EXCUSAL FROM COMPULSORY ATTENDANCE LAWS OR PROHIBITING STATE ASSISTANCE)?

II(A). CITATION TO STATE STATUTE REQUIRING COMPULSORY SCHOOL ATTENDANCE OR COMPULSORY EDUCATION

II(B). WHAT AGES ARE COVERED BY THE STATE'S COMPULSORY EDUCATION OR COMPULSORY SCHOOL ATTENDANCE LAW?

II(C). WHAT AGES ARE SERVED BY PUBLIC SCHOOLS? (Note this age range will be the same as or greater than that required by compulsory school attendance laws.)

II(D). WHAT IS THE BASIC REQUIREMENT UNDER THE STATE COMPULSORY EDUCATION OR COMPULSORY SCHOOL ATTENDANCE STATUTE?

II(D)(1). WHAT IS THE MINIMUM NUMBER OF HOURS OF INSTRUCTION REQUIRED IN A SCHOOL DAY UNDER THE STATE'S COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE?

II(D)(2). WHAT IS THE MINIMUM NUMBER OF DAYS OF INSTRUCTION REQUIRED UNDER THE STATE COMPULSORY EDUCATION OR COMPULSORY SCHOOL ATTENDANCE LAW?

II(E)(1). IS ATTENDANCE AT A PRIVATE SCHOOL INCLUDED AMONG THE EXCEPTIONS TO A REQUIREMENT FOR PUBLIC SCHOOL ATTENDANCE UNDER STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTES? (Note that some courts have found a difference in who has the burden of proof where private schooling is an exception rather than a part of the basic requirement.)

II(E)(2). DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW PROVIDE FOR AN EXCEPTION FOR HOME INSTRUCTION?

II(E)(3). DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW PROVIDE FOR AN EXCEPTION FOR INSTRUCTION BY A TUTOR?

II(E)(4). (Reserved for possible future use).

II(E)(5). DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW EXPRESSLY PROVIDE FOR INSTRUCTION BY AN INDIVIDUAL OTHER THAN A PARENT OR TUTOR?

II(E)(6). DOES THE STATE COMPULSORY SCHOOL ATTENDANCE OR EDUCATION LAW PROVIDE FOR AN EXCEPTION BASED ON DISTANCE THAT A CHILD MUST TRAVEL TO ATTEND SCHOOL?

II(E)(7). DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW PROVIDE FOR AN EXCEPTION FOR HANDICAPPED CHILDREN?

II(E)(8). DOES THE STATE COMPULSORY SCHOOL ATTENDANCE OR EDUCATION LAW PROVIDE FOR A WORK RELEASE? IF SO, UNDER WHAT CIRCUMSTANCES?

II(E)(9). DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW EXEMPT THOSE WHO HAVE A RELIGIOUS OR CONSCIENTIOUS OBJECTION TO SCHOOL ATTENDANCE? IF SO, UNDER WHAT CIRCUMSTANCES?

II(E)(10). ARE THERE ADDITIONAL EXCEPTIONS TO THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE REQUIREMENT (OTHER THAN EXCEPTIONS FOR PRIVATE SCHOOL ATTENDANCE, HOME INSTRUCTION OR TUTORING, DISTANCE, HANDICAP, WORK RELEASE OR RELIGIOUS REASONS)?

II(F)(1). ARE PARENTS SUBJECT TO SANCTIONS FOR FAILURE TO COMPLY WITH THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

II(F)(2). ARE CHILDREN SUBJECT TO SANCTIONS FOR FAILURE TO COMPLY WITH THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

II(F)(3). ARE PUBLIC SCHOOL OFFICIALS SUBJECT TO SANCTIONS UNDER THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

II(F)(4). ARE PRIVATE SCHOOL OFFICIALS SUBJECT TO SANCTIONS UNDER THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

III(A). DO STATE STATUTES PROVIDE FOR ACCREDITATION OF PRIVATE ELEMENTARY AND SECONDARY SCHOOLS? IF SO, IS IT MANDATORY OR VOLUNTARY?

III(B). DO STATE STATUTES REQUIRE ANY FORM OF APPROVAL OF PRIVATE SCHOOLS? IF SO, IS IT MANDATORY OR VOLUNTARY?

III(B)(1). WHAT ARE THE MINIMUM NUMBER OF HOURS A PRIVATE SCHOOL MUST BE OPEN EACH DAY BEFORE PRIVATE SCHOOL ATTENDANCE SATISFIES THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW?

III(B)(2). WHAT ARE THE MINIMUM NUMBER OF DAYS A PRIVATE SCHOOL MUST BE OPEN IN A SCHOOL YEAR BEFORE PRIVATE SCHOOL ATTENDANCE SATISFIES THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW?

III(B)(3). DO STATE STATUTES SPECIFY SUBJECTS THAT MUST BE TAUGHT IN A PRIVATE SCHOOL? IF SO, WHAT SUBJECTS ARE REQUIRED?

III(B)(4). DO STATE STATUTES REQUIRE PRIVATE SCHOOLS TO REPORT ENROLLMENT, ATTENDANCE OR SIMILAR DATA TO PUBLIC OFFICIALS?

III(B)(5)(a). DO STATE STATUTES REQUIRE THAT PRIVATE SCHOOL INSTRUCTION BE IN THE ENGLISH LANGUAGE?

III(B)(5)(b). IF STATE LAW REQUIRES INSTRUCTION IN THE ENGLISH LANGUAGE, IS THERE AN EXCEPTION FOR PUPILS WHO ARE NOT PROFICIENT IN ENGLISH?

III(B)(6). DOES ANY STATE STATUTE PROHIBIT RACE DISCRIMINATION IN PRIVATE SCHOOLS?

III(B)(7). WHAT ADDITIONAL REQUIREMENTS APPLY TO PRIVATE SCHOOLS (OTHER THAN REQUIREMENTS ON ACCREDITATION, APPROVAL, LICENSURE, HOURS, DAYS IN A YEAR, REPORTING OF ENROLLMENT AND SIMILAR DATA, INSTRUCTION IN THE ENGLISH LANGUAGE AND PROHIBITION OF RACE DISCRIMINATION)?

III(C). DO STATE STATUTES REQUIRE PRIVATE SCHOOLS TO OBTAIN A LICENSE BEFORE OPERATING?

III(D). DO STATE STATUTES REQUIRE PRIVATE SCHOOLS TO REGISTER WITH THE STATE BEFORE OPERATING?

III(E). DO STATE STATUTES REQUIRE THAT TEACHERS IN A PRIVATE SCHOOL BE CERTIFIED?

III(F). (Reserved for possible future use).

III(G)(1). DO STATE STATUTES PROVIDE FOR ENFORCEMENT OF REGULATION OF PRIVATE EDUCATION: ARE PARENTS SUBJECT TO PENALTIES?

III(G)(2). DO STATE STATUTES ENFORCE REGULATION OF PRIVATE EDUCATION THROUGH WITHHOLDING STATE AID (IN ANY FORM) TO PRIVATE SCHOOLS? -- OR TO THEIR PUPILS?

III(G)(3). DO STATE STATUTES PROVIDE FOR SANCTIONS TO ENFORCE STATE LAW AFFECTING PRIVATE EDUCATION? (OTHER THAN CRIMINAL SANCTIONS UNDER THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW OR WITHHOLDING OF STATE ASSISTANCE)?

III(H)(1). DO STATE STATUTES REQUIRE TEACHERS IN PRIVATE SCHOOLS TO TAKE OR PASS ANY FORM OF TEST?

III(H)(2). DO STATE STATUTES REQUIRE STUDENTS IN PRIVATE SCHOOLS TO TAKE ANY FORM OF TEST?

IV. IS HOME INSTRUCTION EXPRESSLY PERMITTED UNDER STATE STATUTE?

IV(A). IF HOME INSTRUCTION IS PERMITTED, MUST A PARENT BE A CERTIFIED TEACHER TO SATISFY REQUIREMENTS IN THE COMPULSORY EDUCATION LAW? (Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.) (This is a shorter version of Table II(E)(2).)

IV(B). IF HOME INSTRUCTION BY A TUTOR IS PERMITTED, MUST THE TUTOR BE A CERTIFIED TEACHER TO SATISFY REQUIREMENTS IN THE COMPULSORY EDUCATION LAW? (Note that an answer of "not applicable" means that home instruction is not expressly mentioned in state statutes.)

IV(C). IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE THE PROGRAM BE REGISTERED OR CLEARED WITH PUBLIC OFFICIALS? (Note that an answer of "not applicable" means that home instruction is not expressly mentioned in state statutes.)

IV(D)(1). IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE ANY MINIMUM NUMBER OF HOURS IN INSTRUCTION EACH DAY? (Note that an answer of "not applicable" means that home instruction is not expressly mentioned in state statutes.)

IV(D)(2). IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE ANY MINIMUM NUMBER OF DAYS OF INSTRUCTION EACH YEAR? (Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

IV(D)(3). IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES SPECIFY SUBJECTS THAT MUST BE TAUGHT? (Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

IV(D)(4). IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE THE TEACHER TO SUBMIT CURRICULA OR OTHER MATERIALS TO PUBLIC OFFICIALS FOR REVIEW? (Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

IV(D)(5). IF HOME INSTRUCTION IS PERMITTED, ARE THERE OTHER STATUTORY REQUIREMENTS THAT APPLY? (OTHER THAN CERTIFICATION OF TEACHERS, REGISTRATION, HOURS PER DAY, DAYS PER YEAR, SUBMISSION OF CURRICULA OR SIMILAR MATERIALS, OR SUBJECTS TAUGHT?) (Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

V. LIST OF STATE CONTACTS. (THIS IS UNAVAILABLE AS WE DO NOT HAVE PERMISSION TO RELEASE ALL NAMES.)

VI(A). DO STATE STATUTES PROVIDE FOR A SYSTEM OF LOANING OR DONATING TEXTBOOKS TO PRIVATE SCHOOLS?

VI(B). DO STATE STATUTES PROVIDE FOR A SYSTEM FOR LOANING OR DONATING TEACHING MATERIALS OR OTHER MATERIALS TO PRIVATE SCHOOLS?

VI(C). DO STATE STATUTES PROVIDE FOR FREE TRANSPORTATION OF PRIVATE SCHOOL PUPILS? IF SO, UNDER WHAT CIRCUMSTANCES?

VI(D)(1). DO STATE STATUTES PROVIDE FOR FREE TESTING SERVICES TO PRIVATE SCHOOLS OR THEIR PUPILS? IF SO, UNDER WHAT CIRCUMSTANCES?

VI(D)(2). DO STATE STATUTES PROVIDE FOR FREE COUNSELING FOR PRIVATE SCHOOL PUPILS? IF SO, UNDER WHAT CIRCUMSTANCES?

VI(D)(3). DO STATE STATUTES PROVIDE SPECIAL EDUCATION TEACHERS OR SIMILAR SERVICES TO ELIGIBLE PRIVATE SCHOOL PUPILS? IF SO UNDER WHAT CIRCUMSTANCES?

VI(D)(4). WHAT FORMS OF SERVICES (OTHER THAN TESTING, COUNSELING OR SPECIAL EDUCATION SERVICES) DO STATE STATUTES PROVIDE TO PRIVATE SCHOOLS?

VI(E). DO STATE STATUTES PROVIDE FOR RELEASE TIME FOR A PORTION OF THE PUBLIC SCHOOL PROGRAM TO PERMIT PUPILS TO ATTEND CHURCH SCHOOL OR OTHER RELIGIOUS TRAINING?

VI(F). DO STATE STATUTES PROVIDE FOR PERSONAL INCOME TAX DEDUCTIONS FOR TUITION PAYMENTS OR OTHER EDUCATION EXPENSES FOR ELEMENTARY AND SECONDARY STUDENTS?

VI(G). DO STATE STATUTES PROVIDE FOR PERSONAL INCOME TAX CREDITS FOR TUITION PAYMENTS OR OTHER EDUCATION EXPENSES FOR ELEMENTARY AND SECONDARY STUDENTS?

VI(H). DO STATE STATUTES PROVIDE FOR ANY FORM OF DIRECT FINANCIAL AID TO FAMILIES WITH CHILDREN IN PRIVATE ELEMENTARY OR SECONDARY SCHOOLS? -- OR TO THE SCHOOLS THEMSELVES? (SPECIFY IF LOAN OR GRANT)

VI(I). DO STATE STATUTES PROVIDE FOR PRIVATE PLACEMENT AND TUITION PAYMENTS FOR SPECIAL EDUCATION STUDENTS?

VII(A). DO STATE STATUTES CREATE AN OFFICE OF PRIVATE EDUCATION?

VII(B). DO STATE STATUTES REQUIRE AN ADVISORY BOARD FOR PRIVATE EDUCATION? IF SO, HOW IS THE BOARD TO BE CONSTITUTED?

TABLE I(A)

DOES THE STATE CONSTITUTION ALLOW FOR EXCUSAL FROM THE COMPULSORY EDUCATION REQUIREMENT FOR REASONS OF CONSCIENCE?

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KENTUCKY
Yes. "[N]or shall any man be compelled to send his child to any school to which he may be concientiously opposed . . . ." Ky. Const. sec. 5. This does not excuse a child from the compulsory attendance law, it merely allows a person to send his child to a school of his choice.

No other state has such a provision.

TABLE I(B)

DOES THE STATE CONSTITUTION EXPRESSLY FORBID SUPPORT TO PRIVATE SCHOOLS?

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ALABAMA

Yes. "No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school." Ala. Const. art. XIV, sec. 263.

Interpreted in *Alabama Educ. Ass'n v. James*, 373 So.2d 1076 (Ala. 1979) (upholding state grants to private postsecondary institutions for secular purposes). The court looked for a primary effect of aiding religion, and excessive entanglement between church and state. It found neither.

ALASKA

Yes. "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." Alaska Const. art. VII, sec. 1. *See Sheldon Jackson College v. State*, 599 P.2d 127 (1979) (finding tuition grant program for students at private colleges violates this provision); *Matthews v. Quinton*, 362 P.2d 932 (Alaska 1961), *cert. denied*, 368 U.S. 57 (1962) (interpreting section 9 of Alaska's Organic Act, a predecessor to this constitutional provision; striking down a program to provide free transportation to pupils in nonpublic schools).

AMERICAN SAMOA

No provision.

ARIZONA

No Provision.

ARKANSAS

No provision.

CALIFORNIA

Yes. "No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools . . . ." Cal. Const. art. 9, sec. 8. See also, Cal. Const. art 4, sec. 30.

Interpreted in California Teachers Assn v. Riles 29 Cal. 3d 794, 176 Cal. Rptr. 300, 632 P.2d 953 (1981), where the court struck down a textbook loan program for private school pupils.

COLORADO
Yes. "Neither the general assembly, nor any county, city town, township, school district or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the state, or any such public corporation to any church, or for any sectarian purpose." Colo. Const. art. IX, sec. 7.

CONNECTICUT
Yes. "The fund, called the SCHOOL FUND, [sic] shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require." Conn. Const. art. VIII, sec. 4.

DELAWARE
Yes. "No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian, church or denominational school; provided that all real or personal property used for school purposes, where the tuition is free, shall be exempt from taxation and assessment for public purposes.' Del. Const. art. X, sec. 3.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Yes. "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." Fla. Const. art. 1, sec. 3.

"The income derived from the state school fund, and the principal of the fund may be appropriated, but only to the support and maintenance of free public schools." Fla. Const. art. 9, sec. 6.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
Yes. "The state shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and other such educational institutions as may be deemed desirable, including physical facilities therefore. There shall be no discrimination in public educational institutions because of race, religion, sex or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution." Hawaii Const. art. 19, sec. 1. Interpreted in Spears v. Honda, 449 p.2d 130 (Hawaii 1969) (held, transportation of pupils to private schools violates this provision; court expressly rejects the "child benefit theory.")

IDAHO
Yes. "Neither the legislature nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious

denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the state, or any such public corporation to any church or for any sectarian or religious purpose; provided however, that a health facilities authority, as specifically authorized and empowered by law, may finance or refinance any private, not for profit, health facilities owned or operated by any church or sectarian society, through loans, leases, or other transactions." Idaho Const. art. IX, sec. 5.

ILLINOIS
Yes. "Neither the General Assembly nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose." Ill. Const. art. 10, sec 3.

INDIANA
Yes. "No money shall be drawn from the treasury, for the benefit of any religious or theological institution." Ind. Const. art. 1, sec. 6.
"The principal of the Common School Fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common schools, and to no other purpose whatever." Ind. Const. art. 8, sec. 3.

IOWA
No provision.

KANSAS
Yes. "No religious sect or sects shall control any part of the public educational funds." Kan. Const. art. 6, sec. 6(c).

KENTUCKY
Yes. "No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational

purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school." Ky. Const. Sec. 189.

LOUISIANA
No provision. However, prior to 1974 the state constitution prohibited giving public funds to private schools. While this provision was in effect, a program granting a stipend to private school teachers to equal the pay received by public school teachers was held unconstitutional. Seegers v. Parker, 256 La. 1039, 241 So.2d 213 (1970), cert. denied sub nom., Williams v. Seeger, 403 U.S. 155.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
Yes. "No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the commonwealth or federal authority or both, except that appropriations may be made for the maintenance and support of the Soldiers' Home in Massachusetts and for free public libraries in any city or town, and to carry out legal obligations, if any, already entered into; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society. Nothing herein contained shall be construed to prevent the commonwealth from making grants-in-aid to private higher educational institutions or to students or parents or guardians of students attending such institutions." Mass. Const. amend. art. 46, as amended by amend. art. 103.

Interpreted in Bloom v. School Comm. of Springfield, 376 Mass. 35, 379 N.E.2d 578 (1978) (textbook loan program voided); Commonwealth v. School Comm. of Springfield, 417 N.E.2d 408, 414 (1981) (upholding private placement of handicapped child where no appropriate public program was available).

MICHIGAN
Yes. "No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic preelementary, elementary or secondary school. No payment, credit, tax, benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school. (The underlined language has been held void and unenforceable because of contravening the free exercise clause.) Mich. Const. art. 8, sec. 2.

Interpreted in Traverse City School Dist. v. Attorney General, 384 Mich. 390, 185 N.W.2d 9 (1971). (Held, purchase with public funds of educational services from private schools violates this provision.)

MINNESOTA
Yes. "[I]n no case shall . . . any public moneys or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught." Minn. Const. art VIII, sec. 3.

Interepreted in Minn. Higher Education Facilities Authority v. Hawk, 232 N.W. 2d 106 (Minn. 1975) (upholds constitutionality of public authority's issuance of bonds for construction of higher education facilities, including at nonsectarian private institutions).

MISSISSIPPI
Yes. "No religious or other sect or sects shall ever control any part of the school or other educational funds of this state; nor shall any funds be appropriated toward the support of any sectarian school, or to any school that at the time of receiving such appropriation is not conducted as a free school." Miss. Const. art. 8, sec. 208.

MISSOURI
Yes. "[N]either the general assembly, nor any other governmental unit, may make an appropriation or pay from any public fund anything in aid of any religious creed, church or sectarian purpose." Mo. Const. art. IX sec. 8.

Interpreted in *Mallory v. Barrera*, 544 S.W.2d 556 (Mo. 1976) (Title I cannot be used for teaching services); *McVey v. Hawkins*, 364 Mo. 44, 258 S.W.2d 927 (1953) (transportation program voided).

MONTANA
Yes. "(1). The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public funds or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university or other literary or scientific institution, controlled in whole or in part by any church, sect or denomination.

(2). This section shall not apply to funds from federal sources provided to the state for the purpose of distribution to nonpublic education." Mont. Const. art. X, sec. 6

NEBRASKA
Yes. "Notwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof; *Provided*, that the Legislature may provide that the state or any political subdivision thereof may contract with institutions not wholly owned or controlled by the state or any political subdivision to provide for educational or other services for the benefit of children under the age of twenty-one years who are handicapped, as that term is from time to time defined by the Legislature, if such services are nonsectarian in nature. All public schools shall be free of sectarian instruction." Neb. Const. art. VII, sec. 11.

This provision was interpreted in *Gaffney v. State Dept. of Educ.*, 12 Neb. 358, 220 N.W.2d 550, 555 (1974) (*held* textbook loan program is void as unconstitutional), and *Rogers v. Swanson*, 192 Neb. 125, 219 N.W.2d 726 (1974) (*held*, a statutory program of tuition grants to students in private colleges violates this provision), and School Dist. of Hartington v. State Bd. of Educ., 188 Neb. 1, 195 N.W.2d 161 (1972) (held, the use of federal funds under Title I to rent parochial school classrooms for instruction of educationally deprived students does not violate this provision).

NEVADA
Yes. "No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purpose." Nev. Const. art. 11, sec. 10.

NEW HAMPSHIRE
Yes. "No person shall ever be compelled to pay towards the support of the schools of any sect or denomination." N.H. Const. art. 6.

"[N]o money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination". N.H. Const. art. 83.

Interpreted in Opinion of the Justices, 258 A.2d 343 (N.H. 1969) (held, provision of a $50 tax exemption on residential real estate to persons whose children attend private schools would violate this provision; provision of "certain enumerated child benefit services" such as school physician, nurse, and guidance services, to pupils in both public and private schools would not violate this provision; loan of textbooks to pupils in private schools would not violate this provision.)

NEW JERSEY
Yes. The income from the perpetual public school fund "shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of the State; and it shall not be competent, except as hereinafter provided, for the Legislature to borrow, appropriate or use the said fund or any part thereof for any other purpose, under any pretense whatever . . . ." N.J. Const. art. 8, sec. 4, paragraph 2.

NEW MEXICO
Yes. "The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from that sale or disposal of any lands granted

to the state by congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university." N.M. Const. art. XII, sec. 3.

See also Prince v. Board of Education, 88 N.M. 548, 543 P.2d 1176 (1975). (the fact that some schools constructed by the state would be on Navajo Reservation lands leased from the tribe "will not prevent the state from exercising exclusive control over such schools" and does not violate N.M. Const. art. XII, sec. 3);

"No appropriation shall be made for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community, not under the absolute control of the state, but the legislature may, in its discretion, make appropriations for the charitable institutions and hospitals for the maintenance of which annual appropriations were made by the legislative assembly of nineteen hundred and nine." N.M. Const. art. IV, sec. 31. 1969 Op. Atty. Gen. No. 69-6 (public money to nonpublic schools violates N.M. Const. art. IV, sec. 31).

NEW YORK
Yes. "Neither the state nor any subdivision thereof shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught, but the legislature may provide for the transportation of children to and from any school or institution of learning." N.Y. Const. art. XI, sec. 3. This was interpreted in Board of Educ. of Cent. School Dist. No. 1 v. Allen, 20 N.Y. 2d 109, 281 N.Y.S. 2d 799 (1967) (held textbook loan program does not violate this provision); College of New Rochelle v. Nyquist, 37 A.D. 2d 461, 326 N.Y.S. 2d 765 (A.D. 1971) (held, private college operated under Catholic auspices could receive state aid without violating this provision because "a denominational tenet or doctrine is [not] taught to a degree sufficient to proscribe State aid."

NORTH CAROLINA
No provision.

NORTH DAKOTA

Yes. "No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school." N.D. const. art. VIII, sec. 5.

OHIO

Yes. "The General Assembly shall . . . secure a thorough and efficient system of common schools throughout the State; but, no religious or other sect, or sects shall ever have exclusive right to, or control of any part of the school funds of this state. Ohio const. art. VI, sec. 2.

OKLAHOMA

No. However, the general anti-establishment clause is very strong: "No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister or other religious teacher or dignitary of sectarian institution as such. Okla. const. art. 2, sec. 5. Interpreted in Board of Educ. for Independent School Dist. No. 52 v. Antone, 384 P.2d 911 (1963) (held, public transportation of pupils to parochial schools violates this provision); Gurney v. Ferguson, 190 Okla. 254, 122 P.2d 1002 (1942), appeal dismissed, 317 U.S. 588 (1943) (held, public transportation of pupils to private schools violates this provision).

OREGON

Yes. "No money shall be drawn from the Treasury for the benefit of any religious (sic), or theological institution, nor shall any money be appropriated for the payment of any religious (sic) services . . ." Or. Const. art. 1, sec. 5.

Interpreted in Fisher v. Clackamas County School Dist. 12, 507 P.2d 839 (Or. App. 1973) (held, programs of "shared time" and "released time" violate this provision.)

Interpreted in Dickman v. School Dist. No. 62C, 232 Or. 238, 366 P.2d 533 (1961) cert. denied sub nom. Carlson v. Dickman, 371 U.S. 823 (1962) (voiding textbook loan program).

PENNSYLVANIA

Yes. "No money raised for the support of public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school." Pa. Const. art. 3, sec. 15. Interpreted in *Rhoades v. School Dist of Abington Township*, 424 Pa. 202, 226 A.2d 53 (1967) (free transportation of pupils to private schools does not violate this provision) *cert. denied*, 389 U.S. 846, *appeal dismissed*, 389 U.S. 11 (1967); *Springfield v. Department of Education*, 483 Pa. 539, 397 A.2d 1154 (1979) *appeal dismissed*, 443 U.S. 901 (1979) (This provision was not violated by busing of public and nonpublic school pupils to their schools of attendance, including ten miles outside district boundaries, applying the federal establishment clause test).

PUERTO RICO

Yes. "No public property or public funds shall be used for the support of schools or educational institutions other than those of the state." P.R. Const. art. II, sec. 5.

RHODE ISLAND

No provision.

SOUTH CAROLINA

Yes. "No money shall be paid from public funds nor shall the credit of the State or any of its political subdivisions be used for the direct benefit of any religious or other private educational institution." S.C. Const. art. XI, sec. 4.

SOUTH DAKOTA

Yes. "No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution." S.D. Const. art. VI, sec. 3. "No appropriation of land, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state nor shall the state or any county or municipality within the state accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state." S.D. Const. art. VIII, sec. 16. Interpreted in *McDonald v. School Bd. of Yankton*, 90 S.D. 35, 246 N.W.2d 93 (1976) (transportation program voided).

TENNESSEE
No provision.

TEXAS
Yes. "No law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose . . . ; nor shall the same, or any part thereof ever be appropriated to or used for the support of any sectarian school . . . ." Texas Const. Art. VII sec. 6.

UTAH
Yes. "Neither the Legislature nor any county, city, town, school district or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution, controlled in whole, or in part, by any church, sect or denomination whatever." Utah Const. art. X, sec. 13.

VERMONT
No provision.

VIRGINIA
Yes. "No appropriation of public trends shall be made to any school or institution of learning not owned or exclusively controlled by the state or some political subdivision thereof . . . ." Va. Const. art. VIII, sec. 10.

VIRGIN ISLANDS
No provision.

WASHINGTON
Yes. 1) "No public money or property shall be appropriated for or applied to any religious . . . instruction, or the support of any religious establishment." Wash. Const. art. I, sec. II. 2) "All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence. Wash. Const. art. IX, sec. 4. 3) "But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools." Wash. Const. art. IX, sec. 2. 4) Washington

also has an antigift provision. Wash. Const. art. 8, secs. 5 & 7.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
Yes. "[N]or shall any portion of any public school fund ever be used to support or assist any private school . . . ." Wyo. Const. art. 7, sec. 8. See also, "No money of the state shall ever be given or appropriated to any sectarian or religious society or institution." Wyo. Const. art. 1, sec. 19.

TABLE I(C)

ARE THERE ADDITIONAL STATE CONSTITUTIONAL PROVISIONS AFFECTING PRIVATE EDUCATION (OTHER THAN PROVISIONS GRANTING EXCUSAL FROM COMPULSORY ATTENDANCE LAWS OR PROHIBITING STATE ASSISTANCE)?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 9, 1984

ALABAMA
No.

ALASKA
No.

AMERICAN SAMOA
No.

ARIZONA
No.

ARKANSAS
No.

CALIFORNIA
No.

COLORADO
"The general assembly may require, by law, that every child of sufficient mental and physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means." Colo. Const. art. IX, sec. 11.

CONNECTICUT
No.

DELAWARE
"No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any

other purpose than the support of free public schools." Del. Const. art. X, sec. 4.

"The General Assembly, notwithstanding any other provision of this Constitution, may provide by an Act of the General Assembly, passed with the concurrence of all the members elected to each House, for the transportation of students of nonpublic, nonprofit elementary and High Schools." Del. Const. art. X, sec. 5.

DISTRICT OF COLUMBIA
No.

FLORIDA
No.

GEORGIA
"(a) Pursuant to laws now or hereafter enacted by the General Assembly, public funds may be expended for any of the following purposes:

(1) To provide grants, scholarships, loans or other assistance to students and to parents of students for educational purposes.

(2) To provide for a program of guaranteed loans to students and to parents of students for educational purposes and to pay interest, interest subsidies, and fees to lenders on such loans. The General Assembly is authorized to provide such tax exemptions to lenders as shall be deemed advisable in connection with such program.

(3) To match funds now or hereafter available for student assistance pursuant to any federal law.

(4) To provide grants, scholarships, loans, or other assistance to public employees for educational purposes.

(5) To provide for the purchase of loans made to students for educational purposes who have completed a program of study in a field in which crticial shortages exist and for cancellation of repayment of such loans, interest and charges thereon.

(b) Contributions made in support of any educational assistance program now or hereafter established under provisions of this section may be deductible for state income tax purposes as now or hereafter provided by law." Ga. Const. art. 8, sec. 7 para 1.

GUAM
No.

HAWAII
No.

IDAHO
No.

ILLINOIS
No.

INDIANA
No.

IOWA
No.

KANSAS
No.

KENTUCKY
No.

LOUISIANA
"Upon application by a private elementary, secondary or proprietary school with a sustained curriculum at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school." La. Const. art. 8, sec. 4.

MAINE
No.

MARYLAND
No.

MASSACHUSETTS

No.

MICHIGAN
No.

MINNESOTA
No.

MISSISSIPPI
"The rights hereby secured shall not be construed . . . to exclude the Holy Bible from use in any public school in this state." Miss. Const. art. 3, sec. 18.

MISSOURI
No.

MONTANA
No.

NEBRASKA
"The English language is hereby declared to be the official language of this state . . . and the common school branches shall be taught in said language in public, private, denominational and parochial schools." Neb. Const. art. I, sec. 27.

NEVADA
"No sectarian instruction shall be imparted or tolerated in any school or University that may be established under this Constitution." Nev. Const. art 11, sec. 9.

NEW HAMPSHIRE
No.

NEW JERSEY
"The Legislature may within reasonable limitations as to distance to be prescribed, provide for the transportation of children within the ages of five to eighteen years inclusive to and from any school." N.J. Const. art. 8, sec. 4, paragraph 3. Interpreted in *Fox v. Board of Educ. of West Milford*, 93 N.J. Super. 544, 226 A.2d 471 (1967) (*held*, statutory program of transportation of children to parochial schools, as well as public schools, does not violate this provision;

however, creation of routes for non-public school children without regard to established public school routes violated legislative intent of statute).

NEW MEXICO
"Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law." N.M. Const. art XII, sec. 5.

NEW YORK
No.

NORTH CAROLINA
State school funds "shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools." N.C. Const. art. IX, sec. 6.

NORTH DAKOTA
No.

OHIO
No.

OKLAHOMA
No.

OREGON
No.

PENNSYLVANIA
No.

PUERTO RICO
No.

RHODE ISLAND
"The assent of two-thirds of the members elected to each house of the general assembly shall be required to every bill appropriating the public money or property for local or private purposes." R.I. Const. art. 4, sec. 14.

SOUTH CAROLINA
No.

SOUTH DAKOTA
No.

TENNESSEE
No.

TEXAS
No.

UTAH
No.

VERMONT
No.

VIRGINIA
No.

VIRGIN ISLANDS
No.

WASHINGTON
No.

WEST VIRGINIA
The provision establishing a permanent school fund states that "the interest thereof shall be annually applied to the support of free schools throughout the state, and to no other purpose whatever." W. Va. Const. art. 12, sec. 4.

WISCONSIN
"The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practiable; and such school shall be free and without charge for tuition to all children between the ages of 4 and 20 years and no sectarian instruction shall be allowed therein; but the

legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours." Wis. Const. Art 10 sec. 3.

WYOMING
No.

TABLE II(A)

CITATION TO STATE STATUTE REQUIRING COMPULSORY SCHOOL ATTENDANCE OR COMPULSORY EDUCATION

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 9, 1984

ALABAMA
Ala. Code secs. 16-28-1 through 16-28-24 (1975 & Supp. 1982).

ALASKA
Alaska Stat. secs. 14.30.010 through 14.30.050 (1982).

AMERICAN SAMOA
Am. Samoa Code Ann. secs. 16.0302 through 16.0308 (1983).

ARIZONA
Ariz. Rev. Stat. Ann. sec. 15-801 (Supp. 1982).

ARKANSAS
Ark. Stat. Ann. secs. 80-1501 through 80-1516 (1980 & Supp. 1983).

CALIFORNIA
Cal. Educ. Code secs. 48200 through 48342 (West 1978 & Supp. 1983).

COLORADO
Colo. Rev. Stat. secs. 22-33-101 through 22-33-109 (1973 & Supp. 1982).

CONNECTICUT
Conn. Gen. Stat. Ann. secs. 10-184 through 10-201 (West 1958 & Supp. 1983).

DELAWARE
Del. Code Ann. tit. 14, secs. 2701 through 2712 (1981 & Supp. 1982).

DISTRICT OF COLUMBIA
D.C. Code secs. 31-401 through 31-413 (1981).

FLORIDA
Fla. Stat. Ann. secs. 232.01 through 232.277 (West 1977 & Supp. 1983).

GEORGIA
Ga. Code Ann. sec. 20-2-691 and 699 (1982) and S.B. 504, signed into law May, 1984, to be codified as Ga. Code secs. 20-2-690 through 20-2-702.

GUAM
Guam Code Ann. tit. 17, secs. 6101 through 6109 (1982).

HAWAII
Hawaii Rev. Stat. secs. 298-1 through 298-26 (1976 and Supp. 1982).

IDAHO
Idaho Code secs. 33-201 through 33-208 (1981 and Supp. 1983).

ILLINOIS
Ill. Ann. Stat. ch. 122, secs. 26-1 through 26-12 (Smith-Hurd 1970 and Supp. 1983).

INDIANA
Ind. Code Ann. secs. 20-8.1-3-1 through 20-8.1-3-20 (Burns 1980 & Burns Supp. 1983).

IOWA
Iowa Code Ann. secs. 299.1 through 299.24 (West 1981 and Supp. 1983).

KANSAS
Kan. Stat. Ann. secs. 72-1111 through 72-1113 (1983).

KENTUCKY
Ky. Rev. Stat. Ann. secs. 159.010 through 159.990 (1980 & Supp. 1982).

LOUISIANA
La. Rev. Stat. Ann. secs. 17:221 through 17:226 (West 1982 and Supp. 1983).

MAINE
Me. Rev. Stat. Ann. tit. 20-A, secs. 5001 through 5053 (1983).

MARYLAND
Md. Educ. Code Ann. secs. 7-301 through 7-303 (1978 and Supp. 1983)

MASSACHUSETTS
Mass. Gen. Laws ch. 76, secs. 1 through 20 (1982).

MICHIGAN
Mich. Comp. Laws Ann. secs. 380.1561 through 380.1599 (1976 & West Supp. 1983).

MINNESOTA
Minn. Stat. secs. 120.05 through 120.15 (West 1979 & Supp. 1983).

MISSISSIPPI
Miss. Code Ann. secs. 37-13-91 through 37-13-105 (1972 and Supp. 1982).

MISSOURI
Mo. Ann. Stat. secs. 167.011 through 167.191 (Vernon 1959 and Supp. 1983).

MONTANA
Mont. Code Ann. secs. 20-5-101 through 20-5-108 (1983).

NEBRASKA
Neb. Rev. Stat. secs. 79-201 through 79-216 (1982), as amended by L.B.928 and L.B. 994, both signed into law on April 10, 1984.

NEVADA
Nev. Rev. Stat. secs. 392.040 through 392.150 (1981).

NEW HAMPSHIRE
N.H. Rev. Stat. Ann. secs. 193:1 through 193:7 (1977).

NEW JERSEY
N.J. Stat. Ann. secs. 18A:38-25 through 18A:38-31 (West

1968 & Supp. 1983).

NEW MEXICO
N.M. Stat. Ann. secs. 22-12-1 through 22-12-7 (1978 and Supp. 1983), and N.M. Const. art. XII, sec. 31.

NEW YORK
N.Y. Educ. Law secs. 3201 through 3234 (McKinney 1981 & Supp. 1983).

NORTH CAROLINA
N.C. Gen. Stat. secs. 115C-378 through 115C-385 (1983).

NORTH DAKOTA
N.D. Cent. Code secs. 15-34.1-01 through 15-34.1-05 (1981 & Supp. 1983).

OHIO
Ohio Rev. Code Ann. secs. 3321.01 through 3321.99 (Page 1980 and Supp. 1982).

OKLAHOMA
Okla. Stat. Ann. tit. 70, secs. 10-101 through 10-108 (West 1972 and Supp. 1982).

OREGON
Or. Rev. Stat. secs. 339.005 through 339.030 (1981).

PENNSYLVANIA
Pa. Stat. Ann. tit. 24, secs. 13-1326 through 13-1357 (Purdon 1962 and Supp. 1983).

PUERTO RICO
P.R. Laws Ann. tit. 18, secs. 71 through 81 (1974 & Supp. 1982).

RHODE ISLAND
R.I. Gen. Laws secs. 16-19-1 through 16-19-9 (1981).

SOUTH CAROLINA
S.C. Code secs. 59-65-10 through 59-65-90 (1976 and Supp. 1982).

SOUTH DAKOTA
S.D. Codified Laws Ann. secs. 13-27-1 through 13-27-28 (1982).

TENNESSEE
Tenn. Code Ann. secs. 49-1701 through 49-1777 (1977 and Supp. 1983).

TEXAS
Tex. Educ. Code Ann. secs. 21.032 through 1.040 (Vernon 1972 and Supp. 1982).

UTAH
Utah Code Ann. secs. 53-24-1 through 53-24-9 (1981).

VERMONT
Vt. Stat. Ann. tit. 16, secs. 1121 through 1129 (1974 & Supp. 1983).

VIRGINIA
Va. Code secs. 22.1-254 through 22.1-269 (1980 and Supp. 1983).

VIRGIN ISLANDS
V.I. Code Ann. tit. 17, secs. 81 through 97 (1976 and Supp. 1982).

WASHINGTON
Wash. Rev. Code sec. 28A.27 (1982).

WEST VIRGINIA
W. Va. Code secs. 18-8-1 through 18-8-10 (1984).

WISCONSIN
Wis. Stat. Ann. sec. 118.15 (West Supp. 1983).

WYOMING
Wyo. Stat. secs. 21-4-101 through 21-4-107 (1977, as amended, Supp. 1983).
II. CEL

TABLE II (B)

WHAT AGES ARE COVERED BY THE STATE'S COMPULSORY EDUCATION OR COMPULSORY SCHOOL ATTENDANCE LAW?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
Seven through 15. Ala. Code sec. 16-28-3 (Supp. 1982).

ALASKA
Seven through 15. Alaska Stat. sec. 14.30.010 (1982).

AMERICAN SAMOA
Six through 18. Am. Samoa Code Ann. sec. 16.0302 (1983).

ARIZONA
Eight through 16. Ariz. Rev. Stat. Ann. sec. 15-802(A) (Supp. 1982).

ARKANSAS
Seven through 15. Ark. Stat. Ann. sec. 80-1502 (1980).

CALIFORNIA
Six through 17. Cal. Educ. Code sec. 48200 (West 1978). Children age 16 and 17 who are not regularly employed must attend 15 hours per week. Cal. Educ. Code sec. 48402 (West 1978); employed 16 and 17 year olds must attend for four hours. Cal. Educ. Code sec. 48400 (West 1978) This is 7 - 15.

COLORADO
Seven through 15. Colo. Rev. Stat. sec. 22-33-104(1) (Supp. 1982).

CONNECTICUT
Seven through 15. Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983).

DELAWARE

Six through 15. Del. Code Ann. tit. 14, sec. 2702 (1981).

DISTRICT OF COLUMBIA
Seven through 16. D.C. Code sec. 31-401 (1981).

FLORIDA
Six through 15. Fla. Stat. Ann. sec. 232.01(1)(a) (West Supp. 1983).

GEORGIA
Seven through 15. S.B. 504, signed into law May, 1984, to be codified as Ga. Code Ann. sec. 10-1-690.

GUAM
Five through 15. Guam Code Ann. tit. 17, sec. 6102 (1982).

HAWAII
Six through 17. Hawaii Rev. Stat. sec. 298-9 (Supp. 1982)

IDAHO
Seven through 15. Idaho Code sec. 33-202 (1981).

ILLINOIS
Seven through 15. Ill. Ann. Stat. ch. 122, sec. 26-1 (Smith-Hurd Supp. 1983).

INDIANA
Seven through 15. Ind. Code Ann. sec. 20-8.1-3-17 (Burns Supp. 1983).

IOWA
Eight through 15.
Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
Seven through 15. Kan. Stat. Ann. sec. 72-1111 (1980).

KENTUCKY
Six through 15. Ky. Rev. Stat. Ann. sec. 159.010 (1980).

LOUISIANA

Seven through 15. La. Rev. Stat. Ann. sec. 17:221(A) (West 1982).

MAINE
Seven through 16. Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(1) (1983)

MARYLAND
Six through 15. Md. Educ. Code Ann. sec. 7-301(a) (1978).

MASSACHUSETTS
The minimum and maximum ages for school attendance are established by the board of education. Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
Six through 15. Mich. Comp. Laws Ann. sec. 380.1561(1) (West Supp. 1983).

MINNESOTA
Seven through 15. Minn. Stat. Ann. sec. 120.10 (West Supp. 1983).

MISSISSIPPI
Seven through 13. "[N]ot above the age of thirteen" is interpreted to include age 13 in the requirement. Miss. Code Ann. sec. 37-13-91 (Supp. 1982).

MISSOURI
Seven through 15. Mo. Ann. Stat. sec. 167.031 (Supp. 1983). Children who are under 18 who have not completed the elementary school course shall be required to regularly attend part-time classes. Mo. Ann. Stat. sec. 167.051 (Vernon 1959).

MONTANA
Seven through 15 or completion of 8th grade, whichever is later. Mont. Code Ann. sec. 20-5-103(1) (1983).

NEBRASKA
Seven through 15. Neb. Rev. Stat. sec. 79-201 (1982).

NEVADA

Seven through 16. Nev. Rev. Stat. sec. 392.040 (1981).

NEW HAMPSHIRE
Six through 15. N.H. Rev. Stat. Ann. sec. 193:1 (1977). Illiterate persons ages 16 and 17 must attend evening or special day school. N.H. Rev. Stat. Ann. sec. 193:9 (1977).

NEW JERSEY
Six through 15. N.J. Stat. Ann. sec. 18A: 38-25 (West 1968).

NEW MEXICO
Six through 17. N.M. Stat. Ann. secs. 22-8-2.M(3), 28-6-1 (Supp. 1983).

NEW YORK
Six through 15, except in city school districts and the larger union free school districts and central school districts which exercise the statutory option to require attendance through age 16. N.Y. Educ. Law sec. 3205 (McKinney 1981).

NORTH CAROLINA
Seven through 15. N.C. Gen. Stat. sec. 115C-378 (1983).

NORTH DAKOTA
Seven through 15. N.D. Cent. Code sec. 15-34.1-01 (1981).

OHIO
Six through 17. Ohio Rev. Code Ann. sec. 3321.01 (Page Supp. 1982).

OKLAHOMA
Seven through 17. Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982).

OREGON
Seven through 17. Or. Rev. Stat. sec. 339.010 (1981).

PENNSYLVANIA
Eight through 16. Pa. Stat. Ann. tit. 24, sec. 13-1326 (Purdon 1962).

PUERTO RICO
Eight through 13. P.R. Laws Ann. tit. 18, sec. 80(c) (1974).

RHODE ISLAND
Seven through 15. R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
Six through 16. S.C. Code sec. 59-65-10 (Supp. 1982).

SOUTH DAKOTA
Seven through 15, or until the child has completed the eighth grade. S.D. Codified Laws Ann. sec. 13-27-1 (1982).

TENNESSEE
Seven through 16. Tenn. Code Ann. Sec. 49-1710 (1977).

TEXAS
Seven (or previously enrolled in first grade) through 16. Tex. Educ. Code Ann. sec. 21.032 (Vernon Supp. 1984).

UTAH
Six through 17. Utah Code Ann. sec. 53-24-1(a) (1981).

VERMONT
Seven through 16. Vt. Stat. Ann. tit. 16, sec. 1121 (Supp. 1983).

VIRGINIA
Five (on or before Sept. 30) through 16. Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
"All children shall commence their school education by attending an approved kindergarten from the beginning of the school year nearest their fifth birthday, and they shall continue to attend school regularly until the expiration of the school year nearest their sixteenth birthday . . . ." V.I. Code Ann. tit. 17, sec. 82 (Supp. 1982).

WASHINGTON

Eight through 14. Wash. Rev. Code sec. 28A.27.010 (1982). Attendance is also required for children 15 through 17 who have not "attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools . . . " [or, they have received] "a certificate of educational competence . . . ." Wash. Rev. Code sec. 18A.17.010 (1982).

WEST VIRGINIA

Six through 15. W. Va. Code sec. 18-8-1 (1984).

WISCONSIN

Six through 17. Wis. Stat. Ann. sec. 118.15(1)(a) (West Supp. 1983).

WYOMING

Seven through 15. Wyo. Stat. sec. 21-4-102(a) (1977).

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TABLE II(C)

WHAT AGES ARE SERVED BY PUBLIC SCHOOLS?

(Note this age range will be the same as or greater than that required by compulsory school attendance laws.)

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA

"A child who is six on or before October 1 . . . ." may attend school. The obligation ends at age 16. Ala. Code sec. 16-28-4 (Supp. 1982).

ALASKA

Five through 19, or four, if the child will become five by November 2 in the year he or she enters kindergarten. Alaska Stat. secs. 14.03.070 and 14.03.080(d) (1982).

AMERICAN SAMOA

No provision.

ARIZONA

Five through 21. Ariz. Rev. Stat. Ann. sec. 15-821(A) (Supp. 1982). Kindergarten is provided for children age 5. Ariz. Rev. Stat. Ann. sec. 15-821(B) (Supp. 1982).

ARKANSAS

Five through 20. Ark. Stat. Ann. secs. 80-1501, 80-1501.2 (Supp. 1983).

CALIFORNIA

Four years, nine months by Sept. 1 (or Feb. 1, if in the second term). Cal. Educ. Code sec. 48010 (West 1978). There is no maximum. Adults may be admitted to day elementary schools if the local board permits it. Cal. Educ. Code sec. 48013 (West 1978). See also Cal. Educ. Code sec. 48030 (West 1978) (any graduate of a state elementary school may attend high school).

COLORADO

No provision.

CONNECTICUT
Five through 20. Children under 21 are to be served if they have not graduated from high school. Conn. Gen. Stat. Ann. sec. 10-186 (West Supp. 1983).

DELAWARE
Six through 21. Del. Code Ann. tit. 14, sec 202(a) (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
If a child attains the age of 5 before Sept. 1, she or he may attend public kindergarten. Fla. Stat. Ann. sec. 232.04 (West Supp. 1983).

GEORGIA
Enrollment is allowed at age six. Ga. Code Ann. sec. 20-2-151(b) (1982).

GUAM
A child "whose fifth birthday falls on or before December 31 of any year may in such year enroll in Kindergarten of any public school . . . ." Guam Code Ann. tit. 17, sec. 6103 (1982).

HAWAII
No provision.

IDAHO
Five (as of October 15) through twenty-one. Idaho Code sec. 33-201 (1981).

ILLINOIS
Three through 21. Ill. Ann. Stat. ch. 122, sec. 14-1.02 (Smith-Hurd Supp. 1983).

INDIANA
No provision. General attendance provisions apply to "any person less than eighteen . . . ." Ind. Code Ann. sec. 20-8.1-3-2 (Burns Supp. 1983).

IOWA
Through 20. Iowa Code Ann. sec. 281.2 (1) (West Supp. 1983).

KANSAS
A child who is six and has completed kindergarten may begin first grade. Kan. Stat. Ann. 72-1107 (1982).

KENTUCKY
No provision.

LOUISIANA
Permissive entrance for children who will attain the age of six within four months after the begining of the school term. La. Rev. Stat. Ann. sec. 17:222 (West 1982).

MAINE
Four through 19. Me. Rev. Stat. Ann. tit. 20-A, sec. 5201(1), (2) (1983).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Permissive entry at age five, if a child will be 6 by Dec. 1. Mich. Comp. Laws Ann. sec. 380.1561(2) (West Supp. 1983).

MINNESOTA
Five through 21. Minn. Stat. sec. 120.06 (West Supp. 1983).

MISSISSIPPI
Children may attend kindergarten at age five, if the district exercises its option to provide kindergarten. Miss. Code Ann. sec. 37-7-629 (Supp. 1982). Children may otherwise enter at age 6. Miss. Code Ann. sec. 37-15-9 (Supp. 1982).

MISSOURI
Five through 19. Mo. Ann. Stat. secs. 167.011(1), 160.051 (Vernon Supp. 1983).

MONTANA
Six through 18. Mont. Code Ann. sec. 20-5-101 (1983).

NEBRASKA
Children may be admitted to kindergarten at age five, or at a younger age if they pass a test approved by the state board of education. Neb. Rev. Stat. sec. 79-444(2) (1982).

NEVADA
A child may begin school at age 6. Nev. Rev. Stat. sec. 392.040 (1981).

NEW HAMPSHIRE
No provision.

NEW JERSEY
Five through 20. N.J. Stat. Ann. sec. 18A:38-26 (West 1968).

NEW MEXICO
Five through 17. N.M. Stat. Ann. sec. 22-13-3 (1978).

NEW YORK
Five through 21 (or until graduation, if it occurs first, or a veteran of any age discharged from the armed forces of the United States under conditions other than dishonorable). A board of education may admit a resident child four years of age to kindergarten and nursery school, a child of three years. N.Y. Educ. Law secs. 3202(1) and 1712 (McKinney 1981).

NORTH CAROLINA
Children may begin kindergarten if they will reach the age of five by October 15 of the year they propose to enter. N.C. Gen. Stat. sec. 115C-364 (1983).

NORTH DAKOTA
Five through 20. N.D. Cent. Code sec. 15-47-01 (1981)

OHIO
Five through 17. Ohio Rev. Code Ann. sec. 3321.01 (Page Supp. 1982).

OKLAHOMA
Five through 20. Okla. Stat. Ann. tit. 70, sec. 1-114 (West Supp. 1982).

OREGON
Local school districts may offer classes for employed minors, ages 14 through 17, and for adults. Or. Rev. Stat. sec. 336.145 (1981).

PENNSYLVANIA
Six through 20. Pa. Stat. Ann. tit. 24, sec. 13-1301 (Purdon 1962).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
Five through 21. S.C. Code sec. 59-63-20 (Supp. 1982). Kindergarten may be provided for 4-year-old children who will reach the age of 5 on or before November 1 of the applicable school year. S.C. Code sec. 59-63-20(3) (Supp. 1982).

SOUTH DAKOTA
Five through 21. S.D. Codified Laws Ann. secs. 13-28-2, 13-28-6 (1982).

TENNESSEE
No provision.

TEXAS
"The board of education of any school district may, upon such terms as it may deem just and proper, admit pupils either over or under the school age . . . ." Tex. Educ. Code Ann. sec. 21.040 (Vernon 1972).

UTAH
Five through adult age, with limitations. "In every school district the public schools shall be free to all children between the ages of five and eighteen years who are residents of said district except that schools shall also be free to persons who have not completed high school; but anyone beyond the age of eighteen taking courses under this section must declare their intent to complete requirements for a high school diploma. All courses taken must lead toward that diploma and must be approved by those directly responsible for administering the program." Utah Code Ann. 53-4-7 (1981).

VERMONT
A legal pupil shall not be deprived of an education. A legal pupil is defined as "an individual who has attained the age of six years on or before January 1 next following the beginning of the school year." No cut-off age is provided. Vt. Stat. Ann. tit. 16, sec. 1073 (Supp. 1983).

VIRGINIA
No provision. Two through 21 for handicapped children. Va. Code sec. 22.1-213 (1980).

VIRGIN ISLANDS
No provision.

WASHINGTON
Five through 20. Wash. Rev. Code sec. 28A.58.190 (1982).

WEST VIRGINIA
Birth through 21, or 23 for exceptional children. W. Va. Code sec. 18-5-15 (1984). See also W. Va. Code sec. 18-2-5 (1984), permitting children finishing kindergarten in 1983 to enter school regardless of age. *Cf.* sec. 18-20-1 (1984), providing for instruction for exceptional children.

WISCONSIN
Five and older. Children may attend kindergarten at age five, and residents over age 20 may attend school when in the judgment of the school board it will not interfere with the pupils of school age. Wis. Stat.

Ann. sec. 118.4 (West Supp. 1983).

WYOMING
Six through 20. Wyo. Stat. sec. 21-4-301 (1977). A child who is five on or before September 15 may attend kindergarten. Wyo. Stat. sec. 21-4-302 (1977).

TABLE II(D)

WHAT IS THE BASIC REQUIREMENT UNDER THE STATE COMPULSORY EDUCATION OR COMPULSORY SCHOOL ATTENDANCE STATUTE?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 9, 1984

ALABAMA
A child must "attend a public school, private school, church school, or be instructed by a competent private tutor . . . ." Ala. Code sec. 16-28-3 (Supp. 1982).

ALASKA
"Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term." Alaska Stat. sec. 14.30.010(a) (1982).

AMERICAN SAMOA
Attendance at a public or private school is required. Am. Samoa Code Ann. sec. 16.0302 (1983).

ARIZONA
Parents "shall send the child to a school . . . ." Ariz. Rev. Stat. Ann. sec. 15-802 (Supp. 1982).

ARKANSAS
Parents shall send children to a public, private or parochial school. Ark. Stat. Ann. sec. 80-1502 (1980).

CALIFORNIA
The child must attend public school. Cal. Educ. Code sec. 48200 (West 1978).

COLORADO
The child must attend public school. Colo. Rev. Stat. sec. 22-33-104(1) (Supp. 1982).

CONNECTICUT
The child must "attend a public day school . . . unless . . . elsewhere receiving equivalent instruction . . . in the studies taught in the public schools . . . ." Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983).

DELAWARE
The child must attend public school. Del. Code Ann. tit. 14, sec. 2702 (1981).

DISTRICT OF COLUMBIA
"Every parent, guardian or other person residing . . . in the District of Columbia who has custody or control of a child . . . shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools . . . are in session: Provided, that instruction given in such private or parochial school, or privately, is deemed equivalent by the Board of Education to the instruction given in a public school." D.C. Code sec. 31-401 (1981).

FLORIDA
The child must "attend school." This can include public or private school, or instruction at home by a private tutor who meets state requirements. Fla. Stat. Ann. sec. 232.01 (West Supp. 1983).

GEORGIA
The child must attend public or private school or be educated at home. S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690.1. Note: Georgia's prior compulsory attendance law was declared void for vagueness, for failure to define "school." Roemhild v. State, No. 39735 (Oct. 25, 1983).

GUAM
Parents shall "send the child to a public or private full-time day school . . . ." Guam Code Ann. tit. 17, sec. 6102 (1982).

HAWAII
Children must attend public or private school. Hawaii Rev. Stat. sec. 298.9 (Supp. 1982).

IDAHO
The "parent or guardian . . . shall cause the child to be instructed in subjects commonly and usually taught in the public schools. . . . Unless the child is otherwise comparably instructed, as may be determined by the board of trustees . . . the parent or guardian shall cause the child to attend a public, private or parochial school during a period in each year equal to that in which the public schools are in session." Idaho Code sec. 33-202 (1981).

ILLINOIS
The child is required "to attend some public school . . . ." Ill. Ann. Stat. ch. 122, sec. 26-1 (Smith-Hurd Supp. 1983).

INDIANA
A child "shall attend either a public school or some other school . . . which is open to inspection by the state attendance officer, local attendance officers, and school officials." Ind. Code Ann. sec. 20-8.1-3-17 (Burns Supp. 1983).

IOWA
The child is "to attend some public school . . . [or] equivalent instruction by a certified teacher elsewhere." Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
The child must attend a public school or "a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially similar to the period of time public school is maintained . . . ." Kan. Stat. Ann. 72-1111(a)(2) (1980).

KENTUCKY
The child must attend public school. Ky. Rev. Stat. Ann. sec. 159.010 (1980).

LOUISIANA
The child must "attend public or private day school." La. Rev. Stat. Ann. sec. 17:221(A) (West 1982).

MAINE

"Persons seven years of age or older and under seventeen years shall attend a public school during its regular annual session." Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(1) (1983).

MARYLAND

The child "shall attend a public school . . . unless the child is receiving regular, thorough instruction . . . in the studies usually taught in the public schools . . . ." Md. Educ. Code Ann. sec. 7-301 (1978).

MASSACHUSETTS

The child shall "attend a public day school in said town, or some other day school approved by the school committee . . . ." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN

The parent "shall send that child to the public schools during the entire school year." Mich. Comp. Laws Ann. sec. 380.1561(1) (West Supp. 1983).

MINNESOTA

"Every child between 7 and 16 years of age shall attend a public school, or a private school, in each year during the entire time that school is in session during any school year." Minn. Stat. Ann. sec. 120.10 (West Supp. 1983).

MISSISSIPPI

The child "shall attend a public, private or parochial school . . . ." Miss. Code Ann. sec. 37-13-95 (Supp. 1982)

MISSOURI

Parents must "cause the child to attend regularly some day school, public, private, parochial or parish, not less than the entire term of the school which the child attends or shall provide the child at home with regular daily instructions during the usual school hours which shall, in the judgment of a court of competent jurisdiction, be at least substantially equivalent to the instruction given children of like age in the day schools in the locality in which the child resides . . . ." Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983).

MONTANA
The parent "shall cause the child to be instructed in the program prescribed by the board of education . . . ." Mont. Code Ann. sec. 20-5-102(1) (1983).

NEBRASKA
Parents must cause the child to "attend regularly the public, private, denominational, or parochial day schools each day . . . that such schools are open . . . ." Neb. Rev. Stat. sec. 79-201 (1982) (this language unaffected by 1984 amendments).

NEVADA
The parent must send the child to public school. Nev. Rev. Stat. sec. 392.040(1) (1981).

NEW HAMPSHIRE
The child "shall attend the public school within the district . . . or an approved private school . . . ." N.H. Rev. Stat. Ann. sec. 193:1 (1977).

NEW JERSEY
The child must attend public school "a day school in which there is instruction equivalent to that provided in the public schools . . . [or] instruction elsewhere than at school." N.J. Stat. Ann. sec. 18A:38-25 (West 1968).

NEW MEXICO
The child "shall attend a public school, a private school or a state institution." N.M. Stat. Ann. sec. 22-12-2 (Supp. 1983). A private school is defined as "a school offering programs of instruction not under the control, supervision or management of a local school board exclusive of home instruction offered by the parent, guardian or one having custody of the student." N.M. Stat. Ann. sec. 22-1-2.I (1978).

NEW YORK
A child is required to "attend (upon instruction at) a public school or elsewhere" and that, when a student attends at other than a public school, the education received must be substantially equivalent to what it would have been had the child attended the public school district in which he resides. N.Y. Educ. Law sec.

3204.1 (McKinney 1981).

NORTH CAROLINA
The parent "shall cause" the child to attend school. The term "school" includes "all public schools and such nonpublic schools as have teachers and curricula that are approved by the State Board of Education." N.C. Gen. Stat. sec. 115C-378 (1983).

NORTH DAKOTA
"Every parent, guardian or other person . . . shall send or take such child to a public school each year during the entire time such school is in session." N.D. Cent. Code sec. 15-34.1-01 (1981).

OHIO
The parent of a child shall cause such child to "attend school, . . . or participate in a special education program, or . . . to otherwise cause him to be instructed in accordance with the law." Ohio Rev. Code Ann. sec. 3321.03 (Page Supp. 1982).

OKLAHOMA
The child is "to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session . . . ." Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982).

OREGON
The child must "attend regularly a public full-time school . . . ." Or. Rev. Stat. sec. 339.010 (1981).

PENNSYLVANIA
The child must "attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language." Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
"Education shall be free in the elementary and secondary schools, and, insofar as the facilities of the Commonwealth will permit, elementary education shall be compulsory. Attendance at public schools shall not be compulsory for those who are receiving education in

schools established under the auspices of nongovernmental entities." P.R. Laws Ann. tit. 18, sec. 2 (1974).

RHODE ISLAND
The child must attend a public day school. R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
The child must "attend a public or private school . . . or a parochial or denominational school, or other programs which have been approved by the state board of education." S.C. Code sec. 59-65-10 (Supp. 1982).

SOUTH DAKOTA
"Every person having under his control a child . . . shall annually cause such child to regularly attend some public or nonpublic elementary school for the entire term during which the public school in the district . . . is in session . . . ." S.D. Codified Laws Ann. sec. 13-27-1 (1982).

TENNESSEE
The parent must send the child to public or private school. Tenn. Code Ann. sec. 49-1708 (1977).

TEXAS
The child must "attend the public schools in the district of residence . . . ." Tex. Educ. Code Ann. sec. 21.032 (Vernon Supp. 1982).

UTAH
The parent must send the child "to a public or regularly established private school . . . ." Utah Code Ann. sec. 53-24-1 (1981).

VERMONT
The child must attend an "approved public school or an approved or reporting private school . . . ." Vt. Stat. Ann. tit. 16, sec. 1121 (Supp. 1983).

VIRGINIA
The parent must send the child to a "public school, or to a private, denominational or parochial school or have such child taught by a tutor or teacher having the

qualifications prescribed Board of Education and approved by the division superintendent." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
The child must attend public school. V.I. Code Ann. tit. 17, sec. 82 (1976).

WASHINGTON
The child must attend public or private school. Wash. Rev. Code sec. 28A.27.010 (1982).

WEST VIRGINIA
The child is to attend public school. W. Va. Code sec. 18-8-1 (1984).

WISCONSIN
The child must attend public or private school, "unless" excused from the school attendance requirement. Wis. Stat. Ann. sec. 118.15(1)(a) (West Supp. 1983). Note: The Wisconsin Supreme Court has declared the compulsory education law void for vagueness, as applied to prosecutions involving attendance at private school, for failure to define the term "private school." State v. Popanz, DO. 81-1493-CR, Apr. 16, 1983.

WYOMING
The child is to attend public or private school. Wyo. Stat. sec. 21-4-102 (1977).

TABLE II(D)(1)

WHAT IS THE MINIMUM NUMBER OF HOURS OF INSTRUCTION REQUIRED IN A SCHOOL DAY UNDER THE STATE'S COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 11, 1984

ALABAMA
Six hours. Ala. Code sec. 16-1-1(1) (1975).

ALASKA
Four hours for grades 1-3; five hours if grades 4-12. Alaska Stat. sec. 14.03.040 (1982).

AMERICAN SAMOA
No provision.

ARIZONA
The child shall attend "for the full time school is in session . . . ." Ariz. Rev. Stat. Ann. sec. 15-802 (Supp. 1982).

ARKANSAS
Five hours. Ark. Stat. Ann. sec. 80-1602 (1980) (definition of school day).

CALIFORNIA
Maximum kindergarten school day: 4 hours exclusive of recess. Cal. Educ. Code sec. 4611 (West 1978).

Minimum school day for grades 1,2 and 3: 230 minutes, unless lack of school facilities requires double sessions, in which case 200 minutes. Cal. Educ. Code sec. 46112 (West 1978).

Minimum school day for grades 4 through 8: 240 minutes, Opportunity schools, classes or programs excluded. Cal. Educ. Code sec. 46113 (West 1978).

Minimum school day for educationally handicapped children: 180 minutes - kindergarten; 200 minutes -

grades 1,2, and 3; 240 minutes - grades 4 - 8, and high school. Cal. Educ. Code sec. 46116, 46143 (West 1978).

Minimum school day in high school: 240 minutes. Cal. Educ. Code sec. 46141 (West 1978).

There are various exceptions for certain kinds of kindergartens, vocational training programs, and pupils in grade 12. *See generally* Cal. Educ. Code secs. 46118, 46119, 46144, 46145, 46147. *See also* the exceptions for alternative schedule schools, continuation and opportunity schools, and adult training schools. Cal. Educ. Code sec. 46160, 16170, 46180, 46190 (West 1978).

COLORADO
No provision.

CONNECTICUT
Four hours of "actual school work." Conn. Gen. Stat. Ann. sec. 10-16 (West Supp. 1983).

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
A school day is defined as "not less than 5 net hours . . . for all grades above the third, not less than 4 net hours for the first three grades; and not less than 3 hours in kindergarten." Fla. Stat. Ann. sec. 228.041(13) (West Supp. 1983).

GEORGIA
No provision. The state board has statutory authority to set the school day. Ga. Code Ann. sec. 20-2-287(a)(1) (1982).

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision. However, state board regulations set the day at 2 1/2 hours for kindergarten to 4 hours for upper grades. Idaho State Board Rules and Regulations sec. 4.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision.

KANSAS
"[E]ach school day shall consist of not less than two and one-half hours for pupils [in kindergarten], six hours for pupils [in grades one though eleven] and five hours for pupils in grade twelve." Kan. Stat. Ann. sec. 72-1106(2) (1980).

KENTUCKY
Six hour minimum, and no more than nine hours. Ky. Rev. Stat. Ann. sec. 158.060 (1980).

LOUISIANA
Five hours per day. La. Rev. Stat. Ann. sec. 17:154 (West 1982).

MAINE
No provision. However, state regulations require a minimum of 25 hours of instruction per week.

MARYLAND
Three hours minimum. Md. Educ. Code Ann. sec. 7-103(a)(2)(ii) (Supp. 1983).

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
Not less than five hours nor more than eight hours. Miss. Code Ann. sec. 37-13-67 (1972)

MISSOURI
Six hours. Mo. Ann. Stat. sec. 160.041 (1981)

MONTANA
Kindergarten, two hours; grades 1-3, four hours; grades 4-12, six hours. Mont. Code Ann. 20-1-302 (1983)

NEBRASKA
The 1984 law sets 1032 instructional hours for K-8 and 1080 hours for high school grades. L.B. 994, sec. 3, signed into law April 10, 1984, *to be codified as* Neb. Rev. Stat. sec. 79-101(6). This is approximately 5.9 and 6.2 hours per day, if the school year of 175 days is observed.
observed.

NEVADA
No provision. However, state board regulations provide for a minimum school day raning from two hours for kindergarten to 5 1/2 hours for higher grades. Nev. State Board regulations sec. 387.130 (eff. Dec. 15, 1977).

NEW HAMPSHIRE
Six hours. N.H. Rev. Stat. Ann. sec. 189.40 (1977).

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No provision. However, Commissioner's Regulations 175.5 requires public schools to be in session five hours a day for grades K-6 and 5 1/2 hours a day for grades 7-12. If a minor subject to the compulsory attendance law "attends upon instruction elsewhere than at a public school, he shall attend for at least as many hours, and within the hours specified" for public schools. A minor required to attend full-time day instruction "may be permitted to attend for a shorter school day or for a shorter school year or for both" provided the instruction he receives is substantially equivalent in amount and quality to that offered in the public schools. N.Y. Educ. Law sec. 3210(2)(a) and (d) (McKinney 1981).

NORTH CAROLINA
The local boards of education determine the hours per day required, which must be not less than six hours for the fourth grade on. N.C. Gen. Stat. sec. 115C-84(a) (1983).

NORTH DAKOTA
No provision.

OHIO
Five hours per day. Ohio Rev. Code Ann. sec. 3313.48 (Page 1980).

OKLAHOMA
Six hours. Okla. Stat. Ann. tit. 70, sec. 1-111 (West 1972).

OREGON
No provision. However, the state board has broad rule making authority. See Or. Rev. Stat. sec. 326.051 (1981). See also sec. 336.010 (1981) (prohibiting school on Saturday; defining a school month as 20 days; specifying that school must meet on five specific dates) and sec. 336.012 (1981) (authorizing a 12-month school year but prohibiting districts from requiring attendance for 12 months).

PENNSYLVANIA
Five and a half hours per day. Pa. Stat. Ann. tit. 24, sec. 15-1504 (Purdon Supp. 1983).

PUERTO RICO
No provision. "The length of school day . . . shall be fixed and determined by the Secretary of Education . . . ." P.R. Laws Ann. tit. 18, sec. 78 (1974).

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Minimum 5.5 hours, exclusive of intermission; 2.75 hours shall count as a half day. The definition of a "school day" is inapplicable below grade 4. S.D. Codified Laws Ann. sec. 13-26-1 (1982).

TENNESSEE
No provision.

TEXAS
"A school day shall be taught for not less than seven hours each day, including intermissions and recesses." Tex. Educ. Code Ann. sec. 21.032 (Vernon 1972).

UTAH
No provision.

VERMONT
Not specified. Each school board is to determine the number of hours, subject to change by the state board. Vt. Stat. Ann. tit. 16, sec. 1071(a) (Supp. 1983).

VIRGINIA
No provision.

VIRGIN ISLANDS
Six hours. V.I. Code Ann. tit. 17, sec. 83 (1976).

WASHINGTON
Schools are obligated to provide minimum hours of instruction to students for grades kindergarten through 12. Wash. Rev. Code sec. 28A.58.754 (1982). Kindergarten, 450 hours total; grades 1-3, 2,700 hours; grades 4-6, 2,970 hours; grades 7-8, 1,980 hours; grades 9-12, 4,320 hours. Wash. Rev. Code secs. 28A.02.201 & 28A.58.754 (1982).

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE II(D)(2)

WHAT IS THE MINIMUM NUMBER OF DAYS OF INSTRUCTION UNDER THE STATE COMPULSORY EDUCATION OR COMPULSORY SCHOOL ATTENDANCE LAW OR RELATED LAW?

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ALABAMA
Not specified, except for children taught by private tutor, 140 days. *Cf.* Ala. Code sec. 16-28-5 (1975).

ALASKA
180 days or more. With the approval of the commissioner, up to 10 days of these 180 days may be used for in-service training of teachers. Alaska Stat. sec. 14.03.030 (1982).

AMERICAN SAMOA
No provision.

ARIZONA
175 days or longer. Ariz. Rev. Stat. Ann. secs. 15-802(A) (Supp. 1982); S.B. 379, signed into law May 10, 1984, sec. 2, *to be codified as* Ariz. Rev. Stat. sec. 15-341(2).

ARKANSAS
150 days. Ark. Stat. Ann. sec. 80-1503 (1980).

CALIFORNIA
No provision. However, school districts will not receive state funds if they do not remain open at least 175 days in a year. Cal. Educ. Code sec. 41420 (West 1978).

COLORADO
176 days. S.B. 17, 1984, to be codified as Colo. stat. sec. 22-33-104.

CONNECTICUT
180 days. Conn. Gen. Stat. Ann. sec. 10-15 (West Supp. 1983).

DELAWARE
180 days. Del. Code Ann. tit. 14, sec. 2702 (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
180 days. Fla. Stat. Ann. sec. 228.041(16) (West Supp. 1984). This law also provides that for grades 9 through 12, the minimum year can be 1050 hours.

GEORGIA
180 days. Ga. Code Ann. sec. 20-2-287(a)(1) (1982).

GUAM
180 days. Guam Code Ann. tit. 17, sec. 4111 (1982).

HAWAII
No provision.

IDAHO
No provision. However, state board regulations set the year at 180 days. Idaho State Board Rules and Regulations sec. 4.

ILLINOIS
185 days. Of these, 176 days must be used for instruction. Ill. Ann. Stat. ch. 122, sec. 10-19 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
Twenty-four consecutive weeks each year. Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
180 days, or 1,080 hours of flexible time. Kan. Stat. Ann. sec. 72-1106(2) (1982).

KENTUCKY
185 days. Up to four days may be used for holidays; up to two for the opening and closing day without students present; and a discretionary number of days for emergencies. Ky. Rev. Stat. Ann. sec. 158.070 (1980).

LOUISIANA
180 days. La. Rev. Stat. Ann. sec. 17:225 (West 1982). Note also: "A schedule may be designed by any eligible school board for operating the schools fewer days per week than is required by law provided the yearly classroom instructional hours are not reduced; . . . ." La. Rev. Stat. Ann. sec. 17:225.1 (West Supp. 1983). This pilot program was not implemented, according to the State Board of Elementary and Secondary Education.

MAINE
180 days. Of these, 175 days must be used for instruction. Me. Rev. Stat. Ann. tit. 20-A, sec. 4801(1) (1983).

MARYLAND
180 days, or a minimum of 1,080 hours per school year. Md. Educ. Code Ann. sec. 7-103(a) (Supp. 1983).

MASSACHUSETTS
180 days. Mass. Gen. Laws ch.71, sec. 1 (West 1982).

MICHIGAN
180 days. A district failing to do so forfeits 1/180 of its total state aid appropriation for each day of failure. Mich. Comp. Laws Ann. sec. 388.1701(2) (West Supp. 1983).

A child may not be compelled to attend for more than three quarters in a year. Mich. Comp. Laws Ann. sec. 380.1561(1) (West Supp. 1983).

MINNESOTA
175 days. Minn. Stat. Ann. sec. 120.10 (Subd. 2) (2) (West Supp. 1983).

MISSISSIPPI
155 days. Miss. Code Ann. sec. 37-13-63 (1972).

MISSOURI
No provision.

MONTANA
180 days. Mont. Code Ann. 20-1-301 (1983).

NEBRASKA
175 days. Neb. Rev. Stat. sec. 79-201 (1982) (this language unaffected by 1984 amendments).

NEVADA
180 days. Nev. Rev. Stat. sec. 388.090 (1979).

NEW HAMPSHIRE
180 days per year. A local board may reduce this number, upon approval by the state board.
N.H. Rev. Stat. Ann. sec. 189:1 (Supp. 1983).

NEW JERSEY
No provision. However, there is a 180 day mimimum according to Atty. Gen. F.O. 1975, No. 19.

NEW MEXICO
Children must attend school for "at least the length of time of the school year that is established in the school district in which the person is a resident."
N.M. Stat. Ann. sec. 22-12-2.B (Supp. 1983).

NEW YORK
180 days. However, a minor required to attend full-time day instruction "may be permitted to attend for a shorter school day or for a shorter school year or for both" provided the instruction he received is substantially equivalent in amount and quality to that offered in the public schools. N.Y. Educ. Law. sec. 3204(a) and sec. 3210(2)(d) (McKinney 1981).

NORTH CAROLINA
180 days. N.C. Gen. Stat. sec. 115C-364(c) (1983).

NORTH DAKOTA

180 days. This may include up to five days for holidays or parent-teacher conferences, requiring at least 175 instructional days.
N.D. Cent. Code sec. 15-47-33 (Supp. 1983).

OHIO
182 days. Local districts can use up to two days for parent-teacher conferences, two days for professional meetings, and a discretionary number for emergencies. Ohio Rev. Code Ann. sec. 3313.48 (Page 1980).

OKLAHOMA
180 days. Five of these days may be used for professional meetings and additonal days may be used for parent-teacher conferences. Okla. Stat. Ann. tit. 70, sec. 1-109 (West Supp. 1982).

OREGON
No provision. However, the state board has broad rule making authority. See Or. Rev. Stat. sec. 326.051 (1981). See also sec. 336.010 (1981) (prohibiting school on Saturday; defining a school month as 20 days; specifying that school must meet on five specific dates) and sec. 336.012 (1981) (authorizing a 12-month school year but prohibiting districts from requiring attendance for 12 months). The state board has set the school day at 175 days. OAR 581-22-502.

PENNSYLVANIA
180 days per year. Pa. Stat. Ann. tit. 24, sec. 15-1501 (Purdon Supp. 1983).

PUERTO RICO
"The school year shall in no case exceed ten months and shall be as much less as the Secretary of Education shall direct; Provided, That the school year shall in no case be less than eight months . . . ." P.R. Laws Ann. tit. 18, sec. 77 (1974). "The school month shall consist of twenty days of actual teaching -- legal holidays excepted . . . ." P.R. Laws Ann. tit. 18, sec. 79 (Supp. 1982).

RHODE ISLAND
Maximum of 190 days per year. R.I. Gen. Laws sec. 16-12-7 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
175 days, but not more than 190 days. S.D. Codified Laws Ann. sec. 13-26-2 (1982).

TENNESSEE
175 days. Tenn. Code Ann. sec. 49-1709 (1977).

TEXAS
Minimum annual attendance is "165 days of the regular school term . . . ." Tex. Educ. Code Ann. sec. 21.032 (Vernon Supp. 1982).

UTAH
Nine months. Utah Code Ann. sec. 53-2-29(1) (1981). The board of education may approve pilot programs which vary from the traditional school year. Utah Code Ann. sec. 53-2-29(2) (1981).

VERMONT
175 days or more. Vt. Stat. Ann. tit. 16, sec. 1071(a) (Supp. 1983).

VIRGINIA
No provision.

VIRGIN ISLANDS
"The school year shall begin the first Monday in September and end the last Friday in June." V.I. Code Ann. tit. 17, sec. 61 (1976).

WASHINGTON
180 days. Wash. Rev. Code sec. 28A.02.201 (1982).

WEST VIRGINIA
A minimum of 180 and a maximum of 185. W. Va. Code sec. 18-5-15 (1984).

WISCONSIN
180 days. Wis. Stat. Ann. sec. 121.02(f) (West Supp.

1983).

WYOMING
175 days. Wyo. Stat. secs. 21-4-102(a) & 21-4-301 (1977).

TABLE II(E)(1)

IS ATTENDANCE AT A PRIVATE SCHOOL INCLUDED AMONG THE EXCEPTIONS TO A REQUIREMENT FOR PUBLIC SCHOOL ATTENDANCE UNDER STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTES?

(Note that some courts have found a difference in who has the burden of proof where private schooling is an exception rather than a part of the basic requirement.)

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ALABAMA

Not applicable. Attendance at a private school is included in the basic requirement. Ala. Code sec. 16-28-3 (Supp. 1982).

Private schools are certified by the state superintendent of education. Ala. Code sec. 16-28-1 (Supp. 1982). However, "every child attending a church school . . . is exempt from the requirements of this section." Ala. Code sec. 16-28-3 (Supp. 1982). A church school "[i]ncludes only such schools as offer instruction in grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operates as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding." Ala. Code sec. 16-28-1(2) (Supp. 1982).

ALASKA

Yes. The compulsory attendance requirement does not apply if a child "is provided an academic education comparable to that offered by the public schools in the area, either by (a) attendance at a private school in which the teachers are certificated . . . [or] attendance at an educational program operated . . . by a religious or other private school . . . ." HCS-CSSB-354(Rls) (March 8, 1984) to be codified as Alaska Stat. secs. 14.30.010(b)(1)(A) and (C). Alaska Stat. secs. 14.30.010(b)(1)(A) and (C).

AMERICAN SAMOA

Not applicable. Private schools are included in the basic requirement. Am. Samoa Code Ann. sec. 16.0302 (1983). Also, "children attending authorized private schools may not be required to attend public schools." Am. Samoa Code Ann. sec. 16.0703 (1983). The department of education approves the program.

ARIZONA
Yes. The county superintendent is to excuse a child who attends "a regularly organized private or parochial school." Ariz. Rev. Stat. Ann. sec. 15-802(B)(2) (Supp. 1982) (This language is unaffected by 1984 amendments.). No approval of the program is required.

ARKANSAS
Not applicable. Private schools are included in the basic requirement. State approval of the program is not required. Ark. Stat. Ann. sec. 80-1502 (1980).

CALIFORNIA
Yes. "Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted." No approval of the program is required. Cal. Educ. Code sec. 48222 (West 1978).

COLORADO
Yes. The compulsory attendance requirement does not apply to a child who is enrolled in an "independent or parochial school which provides a basic academic education. Basic academic education is defined as a "sequential program of instruction." H.B. No. 1346, signed June 3, 1982 (to be codified as Colo. Rev. Stat. sec. 22-33-104(2)(b)). No approval of the program is required.

CONNECTICUT
Yes. Attendance at a private school is acceptable only if a register of attendance is kept pursuant to the state board of education's requirements, and if other reporting requirements for public schools are also met. Conn. Gen. Stat. Ann. sec. 10-188 (West 1958).

DELAWARE
Yes. The compulsory attendance requirement does not apply if the child "is elsewhere receiving regular and thorough instruction in the subjects prescribed for the public schools of the State, in a manner suitable to children of the same age and stage of advancement." The superintendent of school districts, and an individual designated by the State Board of Education, must approve

the program of instruction. Del. Code Ann. tit. 14, sec. 2703 (1981 & Supp. 1982).

DISTRICT OF COLUMBIA
Not applicable, private schools are included in the basic requirement. The program must be "deemed equivalent" by the State Board of Education. D.C. Code sec. 31-401 (1981).

FLORIDA
Not applicable. Attendance at private school is part of the basic requirement. Fla. Stat. Ann. sec. 232.02(2) (West 1977). No approval of the program is required.

GEORGIA
Not applicable. Private schools are included in the basic requirement. No state or local approval is required. S.B. 504, signed into law May, 1984, *to be codified as* Ga. Code sec. 20-2-690. Note: Georgia's prior compulsory attendance law was declared void for vagueness, for failure to define "school." *Roemhild v. State*, No. 39735 (Oct. 25, 1983).

GUAM
Not applicable. Private schools are included in the basic requirement.
Guam Code Ann. tit. 17, sec. 6102 (1982).
No approval of the program is required.

HAWAII
Not applicable. Private schools are included in the basic requirement. The department of education approves the program. Hawaii Rev. Stat. sec. 298.9 (Supp. 1982).

IDAHO
Not applicable. Private schools are included in the basic requirement. The program is approved by the state board of education. Idaho Code sec. 33-119 (1981).

ILLINOIS
Yes. The public school attendance requirement does not apply to children attending private schools which teach "the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language." The statute does

not specify who approves the programs. Ill. Ann. Stat. ch. 122, sec. 26-1(1) (Smith-Hurd Supp. 1983).

INDIANA
Not applicable. Private schools are included in the basic requirement. Ind. Code Ann. sec. 20-8.1-3-17 (Burns Supp. 1983). Approval of the program is not specified.

IOWA
Yes. "In lieu of such [public school] attendance a child may attend upon equivalent instruction by a certified teacher elsewhere." Iowa Code Ann. sec. 299.1 (West Supp. 1983). This was construed in Iowa v. Moorhead, 308 N.W.2d 60 (Iowa 1981), as an exception to the basic requirement.

Also, the compulsory education law shall not apply to a child "who is attending a private college preparatory school approved or probationally approved under the [educational standards] provisions . . . ." Iowa Code Ann. sec. 299.2(5) (West Supp. 1983).

KANSAS
Not applicable. Private schools are included in the basic requirement. Kan. Stat. ann. sec. 72-1111(a)(2) (1980). The state board of education is authorized to accredit private schools. Kan. Stat. Ann. sec. 72-7513 (1982).

KENTUCKY
Yes. A child "who is enrolled and in regular attendance in a private, parochial, or church regular day school" is excused from public day school. H.B. No. 76, signed into law March 9, 1984, to be codified as Ky. Rev. Stat. Ann. sec. 159.030.

LOUISIANA
Not applicable. Private schools are included in the basic requirement. La. Rev. Stat. Ann. sec. 17:221(A) (West 1982). Private schools are approved by the State Board of Education. La. Rev. Stat. Ann. sec. 17:7(10) (1982).

MAINE
Yes. "A child shall be excused from attending a public day school if he obtains equivalent instruction in a

private school . . . if the equivalent instruction is approved by the commissioner . . . ." Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(2)(D)(1) (1983).

MARYLAND

Yes. The basic requirement allows "regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age." Md. Educ. Code Ann. sec. 7-301(a) (1978). The state board of education approves all "noncollegiate educational institutions." Md. Educ. Code Ann. sec. 2-206 (Supp. 1983).

MASSACHUSETTS

Yes. Every child shall attend a public school "or some other day school approved by the school committee." Mass. Gen. Laws ch. 76, sec. 1 (West 1982). "School committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town . . . ." Mass. Gen. Laws ch. 76, sec.1 (West 1982).

MICHIGAN

Yes. A child is not required to attend public school when she/he "is attending regularly and is being taught in a state approved nonpublic school . . . ." Mich. Comp. Laws Ann. sec. 380.1561(3)(a) (West Supp. 1983).

MINNESOTA

Not applicable. Private schools are included in the basic requirement. Minn. Stat. Ann. sec. 120.10 (West Supp. 1983). State approval of such schools is not required by statute.

MISSISSIPPI

Yes. Although private schools are included in the basic requirement, an exception is also provided for "any child enrolled in and attending a public, private or parochial school." Miss. Code Ann. sec. 37-13-97 (Supp. 1982).)

MISSOURI

Not applicable. Private schools are included in the basic requirement. Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983). Approval of the program is not specified.

MONTANA
Yes. A parent must enroll child in the public school unless the child is "enrolled in a nonpublic or home school . . . . [A] nonpublic school includes a parochial, church, religious, or private school." Mont. Code Ann. sec. 20-5-102(2)(f) (1983).

NEBRASKA
Not applicable. Private schools are included in the basic requirement. Neb. Rev. Stat. sec. 79-201 (1982) (this language unaffected by 1984 amendments). The state board of education approves the program. Neb. Rev. Stat. sec. 79-328(5)(c) (1982).

NEVADA
Yes. The compulsory attendance requirement is met if the child receives "equivalent instruction" in a private school. A private school is approved by the state board of education. Nev. Rev. Stat. sec. 392.070 (1981).

NEW HAMPSHIRE
Not applicable. Private school attendance is included in the basic requirement. N.H. Rev. Stat. Ann. sec. 193:1 (1977). The state board of education approves the program. N.H. Rev. Stat. Ann. secs. 194:23, 23(b) (1977).

NEW JERSEY
Not applicable. Private school attendance is part of the basic requirement. N.J. Stat. Ann. sec. 18A: 38-25 (West 1968) Schools are approved by the commissioner of education. N.J. Stat. Ann. sec. 18A:69-2 (West 1968).

NEW MEXICO
Not applicable. Private school attendance is in the basic attendance requirement. N.M. Stat. Ann. sec. 22-12-2 (Supp. 1983). Approval of the program is not required.

NEW YORK
Yes. Instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides. N.Y. Educ. Law sec.

3204(2) (McKinney Supp. 1983).

NORTH CAROLINA
Not applicable. Private schools are included in the basic schooling requirement, teachers and curricula are approved by the State Board of Education. N.C. Gen. Stat. sec. 115-378 (1983).

NORTH DAKOTA
Yes. A child shall be excused from compulsory attendance if "the child is in attendance for the same length of time at a parochial or private school approved by the county superintendent of schools and the superintendent of public instruction." N.D. Cent. Code sec. 15-34.1-03(1) (Supp. 1983).

OHIO
Not applicable. Private schools are included in the basic requirement. The state board of education prescribes the standards for such schools. Ohio Rev. Code Ann. sec. 3321.03 (Page Supp. 1982).

OKLAHOMA
Not applicable. Private schools are included in the basic requirement. Okla. Stat. Ann. tit. 70, sec. 10-105(a) (West Supp. 1982). Private schools may seek accreditation by the state board of education, but no approval is required. Okla. Stat. Ann. tit. 70, sec. 3-104(10) (West Supp. 1982).

OREGON
Yes. Or. Rev. Stat. sec. 339.030(2) (1981). There is no provision for approval of the private school, but it must offer "the courses of study usually taught in grades 1 through 12 in the public schools" and be open for a period "equivalent" to that of the public schools.

PENNSYLVANIA
Not applicable. Private schools are included in the basic requirement. Schools are approved by the state board of education. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
Not applicable. Private schools are included in the basic requirement. P.R. Laws Ann. tit. 18, sec. 2

(1974). The secretary of education approves the program. P.R. Laws Ann. tit. 18, sec. 2103 (Supp. 1982).

RHODE ISLAND
Yes. An exception is provided where "[t]he child has attended for the required period of time a private day school or received instruction approved by the school committee of the city or town where said private school located or where said private instruction given." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
Not applicable. Private schools are included in the basic requirement. Private schools must be approved by the State Board of Education. S.C. Code sec. 59-65-10 (Supp. 1982).

SOUTH DAKOTA
Not applicable. Private schools are included in the basic requirement. S.D. Codified Laws Ann. sec. 13-27-1. The superintendent of elementary and secondary education approves private schools. S.D. Codified Laws Ann. sec. 13-4-1 (1982).

TENNESSEE
Not applicable. Private schools are included in the basic requirement. Tenn. Code Ann. sec. 49-1708 (1977). Private schools are approved by the commissioner of education. Tenn. Code Ann. sec. 49-105(19) (1977).

TEXAS
Yes. "Any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship" is exempt from the requirements of the compulsory education law. Private schools must apply to the state for a certificate of approval, but church schools are exempt from this provision. Tex. Educ. Code Ann. sec. 32.24 (Vernon Supp. 1982). Tex. Educ. Code sec. 21.033(a)(1) (Vernon Supp. 1982).

UTAH
Not applicable. Private schools are included in the basic compulsory schooling requirement. No approval is required. Utah Code Ann. sec. 53-2-29(1) (1981).

VERMONT
Not applicable. Private schools are included in the basic requirement. Vt. Stat. Ann. tit. 16, sec. 1121(a) (Supp. 1983). Approval by the state board of education is voluntary. Vt. Stat. Ann. tit. 16, sec. 166(a) (Supp. 1983).

VIRGINIA
Not applicable. Private schools are included in the basic requirement. The division superintendent approves tutorial arrangements but has no authority to approve a private school. Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
Yes. "All children attending regularly and punctually parochial, denominational or private schools, shall be exempt from attendance in public schools provided they are enrolled in and pursue the course of study in the appropriate grade of such school." V.I. Code Ann. tit. 17, sec. 85 (1976). The commissioner of education approves private schools. V.I. Code Ann. tit. 17, sec. 193 (1976).

WASHINGTON
Not applicable. Private schools are included in the basic requirement. The state board approves the private school. Wash. Rev. Code sec. 28A.27.010 (1982).

WEST VIRGINIA
Yes. A child is excused from compulsory public school attendance if receiving instruction in a private school which has been approved by the county board of education or which follows standardized testing procedures. W. Va. Code secs. 18-8-1(A) & (K) (1984).

WISCONSIN
Not applicable, as private schools are included in the basic requirement. Wis. Stat. Ann. sec. 118.15(1)(a) (West Supp. 1983). Approval of the program is not required.

Note: The Wisconsin Supreme Court has declared the compulsory education law void for vagueness, as applied to prosecutions involving attendance at private school, for failure to define the term "private school." State v. Popanz, DO. 81-1493-CR, Apr. 16, 1983.

WYOMING

Not applicable, as private schools are included in the basic requirement, and are approved by the state board of education. Parochial schools do not require approval. Wyo. Stat. sec. 21-11-101 (1977).

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TABLE II (E) (2)

DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW PROVIDE AN EXCEPTION FOR HOME INSTRUCTION?

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Note: In some states the parents have the burden of proving the program is adequate if the alternative is an exception rather than part of the basic rule. In some cases, the language of the statute did not use terms such as "excusal" or "exemption" and we had to interpret it with few guides. Where this occurs we have quoted the provisions on which we based our interpretation.

ALABAMA
Not applicable. Instruction by a tutor is included in the basic requirement. The state superintendent of education certifies the instructor. Ala. Code sec. 16-28-5 (1975).

ALASKA
Yes. A child may be excused from compulsory attendance at a public school if the child is "provided an academic education comparable to that offered by the public schools . . . by . . . tutoring by personnel certificated according to [state law]. . . ." Alaska Stat. sec. 14.30.010(b)(1)(B)(1982).

The principal or administrator of the school that the child would attend approves the program. Alaska Stat. sec. 14.30.010(c)(11)(1982). Also a child may be excused from compulsory attendance at a public school if the child is "enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence program . . . ." Alaska Stat. sec. 14.30.010(b)(10) (1982).

AMERICAN SAMOA
No provision. See Am. Samoa Code secs. 16.0302 and 16.0303 (1983).

ARIZONA
Yes. The county superintendent is to excuse a child where he or she is instructed at home by a person passing the reading, grammar and mathematics proficiency

examination . . . and the child takes the nationally standardized achievement test each year. The parent . . . satisfies the condition of this paragraph by filing with the county school superintendent a copy of the child's achievement test results each year and an affidavit stating that the child is being taught at home." Ariz. Rev. Stat. Ann. sec. 15-802(B)(1) (Supp. 1983) (The legislation passed some minor amendments to sec. 15-802(B)(1), but they do not affect the provisions quoted here.).

ARKANSAS
No provision.

CALIFORNIA
Yes. "Children who are being instructed in study and recitation . . . by a private tutor or other person . . . shall be exempted." Cal. Educ. Code sec. 48224 (West 1978). Approval of the program is not specified, but the tutor must hold a valid credential for the grade taught. West Educ. Code sec. 48224 (West 1978).

COLORADO
Yes. The compulsory attendance requirement does not apply to a child who is being instructed at home under an established program of home study approved by the state board of education. Colo Rev. Stat. sec. 22-33-104(2)(i) (1973).

CONNECTICUT
Not applicable. Home instruction is included in the basic requirement. Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983). Approval of the program is not specified.

DELAWARE
Yes. The compulsory attendance requirement does not apply if the child "is elsewhere receiving regular and thorough instruction in the subjects prescribed for the public schools of the State, in a manner suitable to children of the same age and stage of advancement." The superintendent of school districts, and an individual designated by the State Board of Education, must approve the program of instruction. Del. Code Ann. tit. 14, sec. 2703 (1981 & Supp. 1982).

DISTRICT OF COLUMBIA

Not applicable. Home instruction is included in the basic requirement. D.C. Code sec. 31-401(1981).

FLORIDA

Not applicable. Home instruction is included in the basic requirement. Fla. Stat. Ann. sec. 232.02(4) (West 1977). Approval of the program is not specified. *But see* State v. M.M., No. 81-1387, Fla. App., Dec. 15, 1981; Op. Att'y Gen. 072-90, Mar. 22, 1972 (Local school boards are to determine whether a tutorial service in private homes meets the requirement of state law.)

GEORGIA

Not applicable. Home instruction is part of the basic requirement. S.B. 504, signed into law May, 1984, *to be codified as* Ga. Code sec. 20-2-690.1.

GUAM

Yes. If the child receives instruction "by a private tutor or other person," she or he may be excused from the school attendance requirement. Guam Code Ann. tit. 17, sec. 6108 (1982). Approval of the program is not specified.

HAWAII

Yes. The child may be excused "where a competent person is employed as a tutor . . . and proper instruction is thereby imparted as approved by the superintendent." Hawaii Rev. Stat. sec. 298-9(2) (1976).

IDAHO

Not applicable. Home instruction is included in the basic requirement. The board of trustees approves the program. Idaho Code sec. 33-202 (1981).

ILLINOIS

No provision. *But see* *People v. Levisen*, 404 Ill. 574, 90 N.E.2d (1950) (home instruction by a parent must be allowed where parent was highly qualified but not certified).

INDIANA

Yes. "It is unlawful for a parent to fail . . . to send his child to a public school . . . unless the child is being provided with instruction equivalent to that given in public schools." Ind. Code Ann. sec. 20-8.1-3-34

(Burns Supp. 1983). Approval of the program is not specified.

IOWA
Not applicable. Home instruction is included in the basic requirement. Iowa Code Ann. sec. 299-1 (West Supp. 1983). The program is approved by the state board of public instruction. Iowa Code Ann. sec. 257.25 (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
No provision. However, state officials will approve a home school if it meets the requirements of a private school.

LOUISIANA
Not applicable. Home instruction appears to be part of the basic requirement: "Solely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the [State Board] . . . shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level." La. Rev. Stat. Ann. sec. 17:236 (West 1982).

MAINE
Yes. "A child shall be excused from attending a public day school if he obtains equivalent instruction . . . in any other manner arranged for by the school committee . . . and . . . approved by the [state] commissioner." Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(2)(D)(1) (1983).

MARYLAND
Not applicable. Home instruction is included in the basic requirement. Md. Educ. Code Ann. sec. 7-301(a) (1978). Approval of the program is not specified.

MASSACHUSETTS
Yes. Compulsory attendance at public school is not required "of a child who is being otherwise instructed

in a manner approved in advance by the [local] superintendent or the school committee." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN

No provision. However, a parent may not provide for his or her child's education at home without having a certificated teacher providing courses comparable to those offered in the public school district in which the child resides. *Hanson v. Cushman*, 490 F. Supp. 109 (D.C. Mich. 1980); *also see* Op. Att'y Gen. No. 5579, Sept. 27, 1979.

MINNESOTA

No provision.

MISSISSIPPI

Yes. The compulsory attendance statute "shall not apply . . . to any child who is receiving proper instruction in the home." The home teachers must apply to the local superintendent annually for permission to provide the child home instruction. Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI

Not applicable. Home instruction is included in the basic requirement. Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983). Instruction must be substantially equivalent to the instruction given children in public schools as determined by a court of competant jurisdiction. Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983).

MONTANA

Yes. The parent must enroll the child in the public school unless the child is "enrolled in a . . . home school . . . . [A] home school is the instruction by a parent of his child, stepchild, or ward in his residence . Mont. Code Ann. sec. 20-5-102(2)(f) (1983). *See* Mont. Code Ann. secs. 20-10-121(3)(b)(iii-iv) (1983), which require school officials to provide pupils with transportation or with supervised correspondence study at home. A child with a mental or physical incapacity may also qualify for supervised correspondence study. Mont. Code Ann. sec. 20-7-116 (1983).

NEBRASKA

No provision.

NEVADA

Yes. Compulsory school attendance "shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home . . . equivalent instruction of the kind and amount approved by the state board of education." Nev. Rev. Stat. sec. 392.070 (1981).

NEW HAMPSHIRE

No provision. *But see*, *In re Pierce*, 112 N.H. 762, 451 A.2d 363 (1982) (instructing local board to reconsider a denial of application for home instruction). The New Hampshire Board has promulgated extensive regulations for home instruction. *See* Regulations and Procedures for Home Education Program in New Hampshire, March 1984.

NEW JERSEY

Not applicable. Home instruction is included in the basic requirement. N.J. Stat. Ann. sec. 18A:38-25 (West 1968). *See also*, *State v. Massa,* 95 N.J. Super. 382, 231 A.2d 252 (1967) (home instruction program upheld as state failed to prove program was not equivalent to public school).

NEW MEXICO

No provision. However, the definition of a private school excludes "home instruction offered by a parent, guardian or one having custody of the student. . . ." N.M. Stat. Ann. sec. 22-1-2 (1981).

NEW YORK

Not applicable. Home instruction is included in the basic requirements. N.Y. Educ. Law sec. 3204(2) (McKinney Supp. 1983).

NORTH CAROLINA

No provision.

NORTH DAKOTA

No provision.

OHIO

Yes. The local superintendent may excuse a child upon a satisfactory showing "[t]hat he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
Not applicable. Home instruction is included in the basic requirement. Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982). Approval of the program is not specified.

OREGON
Yes. A child is not required to attend public school if "taught for a period equivalent to that required of children attending public schools by a parent or private teacher the courses of study usually taught . . . in the public school." Or. Rev. Stat. sec. 339.030(6) (1981). Written permission from the executive officer of the local school district is necessary. An appeal to the local school board is also available. Or. Rev. Stat. sec. 339.030 (6)(a)(1981).

PENNSYLVANIA
Not applicable. Home instruction appears to be part of the basic requirement: "Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provision of this section, if such instruction is satisfactory to the proper district superintendent of schools." Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "[I]f the [parent] . . . shall prove or shall present a certificate made by or under the direction of the [local board] . . . setting forth that the child has . . . received instruction approved by [the local board] . . . then such attendance shall not be obligatory . . . ." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA

Not applicable. Home instruction appears to be part of the basic requirement: "Instruction during the school term at a place other than a school may be substituted for school attendance; provided, such instruction is approved by the State Board of Education as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside." S.C. Code sec. 59-65-40 (1976).

SOUTH DAKOTA
Yes. "A child shall be excused from school attendance . . . because the child is otherwise provided with competent alternative instruction for a like period of time, as in the public schools, in the basic skills of language arts and mathematics. The parent or guardian shall identify in the application the place where the child shall be instructed and the individual or individuals who shall so instruct the child. Individuals so instructing shall not be required to be certified." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
Yes. A minor may be "taught at home in the branches prescribed by law for the same length of time as children are required by law to be taught in the district schools, provided, that a minor legally excused to enter employment may be excused from attending a part-time school or class for the reason that such minor is taught at home the required number of hours." Utah Code Ann. 53-24-1(1)(b)(2) (1981). Approval of the program is not specified.

VERMONT
Yes. The child may be exempt from compulsory attendance if he or she "is being furnished with an approved program of home instruction . . . ." Vt. Stat. Ann. tit. 16, sec. 1121(2) (Supp. 1983). The state board of education approves the program. Vt. Stat. Ann. tit. 16 sec. 166a(a) (Supp. 1983).

VIRGINIA
Not applicable. Home instruction is included in the basic requirement. The division superintendent approves tutorial arrangements but has no authority to approve a private school. Va. Code sec. 22.1-254 (1980). See Grigg v. Commonwealth, 224 Va. 386, 297 S.E.2d 799 (1982) (held home instruction by an unapproved tutor will not satisfy the compulsory education law).

VIRGIN ISLANDS
Yes. "Children may be taught at home under rules and regulations prescribed by the Board of Education when written permission has been granted by the Commissioner of Education for such children to remain out of school for this purpose, but such children may be examined by the Commissioner of Education or his authorized representative." V.I. Code Ann. tit. 17, sec. 84 (1976).

WASHINGTON
No provision. However, the Department of Education reports that it has been the policy of the state board to approve home instruction if application as a private school is made and all requirements are met. A parent would have to be a certified teacher to make application.

WEST VIRGINIA
Yes. A child is exempt from compulsory public school attendance if receiving instruction "in the home of such child . . . or at some other place approved by the county board . . . ." The county superintendent or board has authority to review the qualifications of the instructor. W. Va. Code sec. 18-8-1(B) (1984). This is subject to confirmation by the attendance authority of the county. W.Va. Code sec. 18-8-1 (1984).

WISCONSIN
Not applicable. Home instruction appears to be part of the basic requirement: "Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools . . . ." Wis. Stat. Ann. sec. 118.15(4) (West Supp. 1983).

WYOMING
No provision. Home instruction is contemplated only when a child is "homebound for more than one week because of injury or illness." The board of trustees' of each school district is responsible for the program. Wyo. Stat. sec. 21-4-402 (1977).

TABLE II (E) (3)

DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW PROVIDE FOR AN EXCEPTION FOR INSTRUCTION BY A TUTOR?

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ALABAMA

Not applicable. Instruction by a tutor is included in the basic requirement. The state superintendent of education approves the instructor. Ala. Code sec. 16-28-5 (1975).

ALASKA

Yes. A child may be excused from compulsory attendance at a public school if the child is "provided an academic education comparable to that offered by the public schools . . . by . . . tutoring by personnel certified according to [state law] . . . ." Alaska Stat. sec. 14.30.010(b)(1)(B) (1982).
The principal in administrator of the school that the child would attend approves the program.
Alaska Stat. sec. 14.30.010(c)(11)(1982).

AMERICAN SAMOA

No provision.

ARIZONA

Yes. "A person is excused from [compulsory education at a school] when it is shown to the satisfaction of the county school superintendent that: The child is instructed at home by a person passing [a] reading, grammar and mathematics proficiency examination . . . in at least those subjects as reading, grammar, mathematics, social studies and science . . . ." Ariz. Rev. Stat. Ann. sec. 15-802(B)(1) (Supp. 1983) (The legislation passed some minor amendments to sec. 15-802(B)(1), but they do not affect the provisions quoted here.).

ARKANSAS

No provision.

CALIFORNIA

Yes. "Children who are being instructed in study and recitation . . . by a private tutor or other person . . . shall be exempted." Cal. Educ. Code sec. 48224 (West 1978). Approval of the program is not specified, but the tutor must hold a valid credential for the grade taught. West Educ. Code sec. 48224 (West 1978).

COLORADO

Yes. The compulsory attendance requirement does not apply to a child who is being instructed at home by a certified teacher or under an established program of home study approved by the state board of education. Colo. Rev. Stat. Sec 22-33-104(2)(i)(1973).

CONNECTICUT

Not applicable. Instruction by tutor is included in the basic requirement. Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983). Approval of the program is not specified.

DELAWARE

Yes. The compulsory attendance requirement does not apply if the child "is elsewhere receiving regular and thorough instruction in the subjects prescribed for the public schools of the State, in a manner suitable to children of the same age and stage of advancement." The superintendent of school districts, and an individual designated by the State Board of Education, must approve the program of instruction. Del. Code Ann. tit. 14, sec. 2703 (1981 & Supp. 1982).

DISTRICT OF COLUMBIA

Not applicable. Instruction by tutor is included in the basic requirement. The instruction must be "deemed equivalent by the Board of Education to the instruction given in a public school." D.C. Code sec. 31-401(1981).

FLORIDA

Not applicable. Instruction by tutor is included in the basic requirement. Fla. Stat. Ann. sec. 232.02(4) (West 1977). Approval of the program is not specified. *But see* Op. Att'y Gen. 072-90, Mar. 22, 1972. (Local school boards are to determine whether a tutorial service in private homes meets the requirement of state law.)

GEORGIA

Not applicable. S.B. 504, signed into law May, 1984, *to* *be codified as* Ga. Code sec. 20-2-690.1. The employment of a tutor is allowed. *Id.* at Ga. Code sec. 20-2-690(c)(3).

GUAM

Yes. If the child receives instruction "by a private tutor or other person," she or he may be excused from the school attendance requirement. Guam Code Ann. tit. 17, sec. 6108 (1982). Approval of the program is not specified.

HAWAII

Yes. "[A]ttendance shall not be compulsory . . . where a competent person is employed as a tutor in the family wherein the child resides and proper instruction is thereby imparted as approved by the Superintendent." Hawaii Rev. Stat. sec. 298-9(3) (1976).

IDAHO

Not applicable. Instruction by tutor is included in the basic requirement. The board of trustees approves the program. Idaho Code sec. 33-202 (1981).

ILLINOIS

No provision.

INDIANA

Yes. "It is unlawful for a parent to fail . . . to send his child to a public school . . . unless the child is being provided with instruction equivalent to that given in public schools." Ind. Code Ann. sec. 20-8.1-3-34 (Burns Supp. 1983). Approval of the program is not specified.

IOWA

Not applicable. Instruction by tutor is included in the basic requirement. Iowa Code Ann. sec. 299.1 (West Supp. 1983). The program is approved by the state board of public instruction. Iowa Code Ann. sec 257.25 (West Supp. 1983). *See also* "A school board or any other officer charged with the duty of enforcing compulsory education statutes may determine whether instruction outside school is equivalent to that in school . . . ." Op. Att'y Gen. 1928, p. 293.

KANSAS

No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. "Solely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the [State Board] . . . shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level." La. Rev. Stat. Ann. sec. 17:236 (West 1982).

MAINE
Yes. "A child shall be excused from attending a public day school if he obtains equivalent instruction . . . in any other manner arranged for by the school committee . . . and . . . approved by the commissioner." Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(2)(D)(1) (1983).

MARYLAND
Not applicable. Instruction by tutor is included in the basic requirement. Approval of the program is not specified. Md. Educ. Code Ann. sec. 7-301(a) (1978).

MASSACHUSETTS
Yes. Compulsory attendance at public school is not required "of a child who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
No provision. However, a parent may not provide for his or her child's education at home without having a certificated teacher providing courses comparable to those offered in the public school district in which the child resides. Hanson v. Cushman, 490 F. Supp. 109 (D.C. Mich. 1980); Also see Op. Att'y Gen. No. 5579, Sept. 27, 1979.

MINNESOTA
No provision.

MISSISSIPPI
Yes. The compulsory attendance statute "shall not apply . . . to any child who is receiving proper instruction in the home." The home teacher must apply to the local superintendent annually for permission to provide the child home instruction. Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI
Not applicable. Instruction by tutor is included in the basic requirement. Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983). Instruction must be substantially equivalent to the instruction given children in public schools as determined by a court of competent jurisdiction. Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983).

MONTANA
Yes, but it is limited. The parent must enroll the child in the public school "unless the child is provided with supervised correspondence study or supervised home study under the transportation provisions of the title . . . ." Mont. Code Ann. sec. 20-5-102(2)(c) (1983). The reference to the transportation provision is apparently to Mont. Code Ann. sec. 20-10-121 (iii) and (iv) (1983) which require school officials to provide pupils with transportation or with supervised correspondence at home study. A child with a mental or physical incapacity may also qualify for supervised correspondence study. Mont. Code Ann. sec. 20-7-116 (1983).

NEBRASKA
No provision.

NEVADA
Yes. "[Compulsory school attendance] shall be excused when satisfactory written evidence is presnted to the board of trustee of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board of education." Nev. Rev. Stat. sec. 392.070 (1981).

NEW HAMPSHIRE
No provision. See In re Davis, 318 A.2d 151 (N.H. 1974) (claim that instruction by a tutor satisfied the

compulsory education requirement rejected).

NEW JERSEY
Not applicable. Instruction by tutor is included in the basic requirement. N.J. Stat. Ann. sec. 18A:38-25 (West 1968). Approval of the program is not specified.

NEW MEXICO
No provision.

NEW YORK
Not applicable. Instruction by tutor is included in the basic requirement. N.Y. Educ. Law sec. 3204(2) (McKinney Supp. 1983). Approval of the program is not specified.

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. The local superintendent may excuse a child upon a satisfactory showing "[t]hat he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches as the advancement and needs of the child may, in the opinion of such superintendent, require." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
Not applicable. Instruction by tutor is included in the basic requirement. Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982). Approval of the program is not specified.

OREGON
Yes. A child is not required to attend public school if "taught for a period equivalent to that required of children attending public schools by a . . . private teacher the courses usually taught . . . in the public school." Or. Rev. Stat. sec. 339.030(6)(6) (1981). Written permission from the executive officer of the local school district is necessary. An appeal to the

local school board is also available. OR. Rev. Stat. sec. 339.030 (6)(a)(1981).

PENNSYLVANIA
Yes. "Regular daily instruction on the English language, for the time herein required by a properly qualified private tutor, shall be considered as complying with the provision of this section, if such instruction is satisfactory to the proper district superintendent of schools." Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "[I]f the [parent] . . . shall prove or shall present a certificate made by or under the direction of the [local board] . . . setting forth that the child has . . . received instruction approved by [the local board] . . . then such attendance shall not be obligatory . . . ." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
Yes. "Instruction during the school term at a place other than a school may be substituted for school attendance; provided, such instruction is approved by the State Board of Education as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside." S.C. Code sec. 59-65-40 (1976).

SOUTH DAKOTA
Yes. "A child shall be excused from school attendance . . . because the child is otherwise provided with competent alternative instruction for a like period of time, as in the public schools, in the basic skills of language arts and mathematics. The parent or guardian shall identify in the application the place where the child shall be instructed and the individual or individuals who shall so instruct the child. Individuals so instructing shall not be required to be certified." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
Yes. A child may be "taught at home in the branches prescribed by law for the same length of time" as district schools. Utah Code Ann. sec. 53-24-1(b)(2) (1981). Approval of the program is not specified.

VERMONT
Yes. The child may be exempt from compulsory attendance if he or she "is being furnished with an approved program of home instruction . . . ." Vt. Stat. Ann. tit. 16, sec. 1121(2) (Supp. 1983). The state board of education approves the program. Vt. Stat. Ann. tit. 16, sec. 166a(2) (Supp. 1983).

VIRGINIA
Not applicable. Instruction by a tutor is included in the basic requirement. The division superintendent approves the program. Va. Code sec. 22.1-254 (1980). However, in *Grigg v. Commonwealth*, 224 Va. 356, 297 S.E.2d 799 (1982) home instruction by unapproved tutor did not qualify as an exemption to the compulsory education law.

VIRGIN ISLANDS
Yes. "Children may be taught at home under rules and regulations prescribed by the Board of Education when written permission has been granted by the Commissioner of Education for such children to remain out of school for this purpose, but such children may be examined by the Commissioner of Education or his authorized representative." V.I. Code Ann. tit. 17, sec. 84 (1976).

WASHINGTON
No provision.

WEST VIRGINIA
Yes. A child is exempt from compulsory public school attendance if receiving instruction from persons who, in the judgment of the county superintendent and the county board of education, "are qualified to give instruction in subjects required to be taught in the free elementary

schools of the State." W. Va. Code sec. 18-8-1(B) (1984). This is subject to confirmation by the attendance authority of the county. W. Va. Code sec. 18-8-1 (1984).

WISCONSIN
Yes. "Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools . . . ." Wis. Stat. Ann. sec. 118.15(4) (West Supp. 1983).

Note also: "Any child's parent or guardian . . . may request the school board to provide the child with . . . . [h]ome-bound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled." Wis. Stat. Ann. sec. 118.15(1)(d) (West Supp. 1983).

WYOMING
No provision.

TABLE II(E)(5)

DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW EXPRESSLY PROVIDE FOR INSTRUCTION BY AN INDIVIDUAL OTHER THAN A PARENT OR TUTOR?

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ALABAMA
No provision.

ALASKA
Yes. Correspondence study is allowed, where approved by the Department of Eduction. Alaska Stat. sec. 14.30.010(b)(10) (1982).

A child may be exempted from compulsory attendance at a public school if the child is "equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request for excuse is made in writing by the child's parents or guardian, and approved by the principal or administrator of the school that the child attends." Alaska Stat. sec. 14.30.010(b)(11) (1982).

AMERICAN SAMOA
No provision.

ARIZONA
Yes. Children may be instructed by "a person passing the reading, grammar and mathematics proficiency examination . . . ." Ariz. Rev. Stat. Ann. sec. 15-802(B)(1) (Supp. 1982) (There are some minor amendments to sec. 15-802(B)(1) passed in 1984 but they do not affect the provisions quoted here.).

ARKANSAS
No provision.

CALIFORNIA
Yes. "Children who are being instructed in study and recitation . . . by a private tutor or other person . . . shall be exempted." A teacher at home must be a

certified tutor. Cal. Educ. Code sec. 48224 (West 1978).

COLORADO
No provision.

CONNECTICUT
Yes. Attendance at public school is not required if "the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983).

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
Yes. If the child receives instruction "by a private tutor or other person," she or he may be excused from the school attendance requirement. Guam Code Ann. tit. 17, sec. 6108 (1982).

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA

Yes. "Any person having the control of any child over seven and under sixteen . . . who shll place such child under private instruction . . . shall furnish a certificate stating the name and age of such child, the period of time during which such child has been under said private instruction, the details of such instruction, and the name of the instructor." Iowa Code Ann. sec. 299.4 (West supp. 1983).

KANSAS

No provision.

KENTUCKY

No provision.

LOUISIANA

No provision.

MAINE

No provision.

MARYLAND

No provision.

MASSACHUSETTS

No provision.

MICHIGAN

No provision.

MINNESOTA

No provision.

MISSISSIPPI

No provision.

MISSOURI

No provision.

MONTANA

No provision.

NEBRASKA

No provision.

NEVADA

No provision.

NEW HAMPSHIRE

No provision.

NEW JERSEY

Yes. A child meets the compulsory education requirement if receiving "equivalent instruction" to that provided in public school. N.J. Stat. Ann. sec. 18A:38-25 (West 1968).

NEW MEXICO

No provision.

NEW YORK

Yes. "Instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides." N.Y. Educ. Law sec. 3204.2 (McKinney Supp. 1983).

NORTH CAROLINA

No provision.

NORTH DAKOTA

No provision.

OHIO

Yes. The local superintendent may excuse a child upon a satisfactory showing "[t]hat he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches as the advancement and needs of the child may, in the opinion of such superintendent, require." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
Yes. The child is "to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session . . . ." Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982).

OREGON
Yes. The statute provides for an exception to the compulsory attendance law for children taught by a "private teacher." Or. Rev. Stat. sec. 339.030(6)(1) (1981).

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
Yes. "Instruction during the school term at a place other than a school may be substituted for school attendance; provided, such instruction is approved by the State Board of Education as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside." S.C. Code sec. 59-65-40 (1976).

SOUTH DAKOTA
Yes. "A child shall be excused from school attendance . . . because the child is otherwise provided with competent alternative instruction for a like period of time, as in the public schools, in the basic skills of language arts and mathematics. The parent or guardian shall identify in the application the place where the child shall be instructed and the individual or individuals who shall so instruct the child. Individuals so instructing shall not be required to be certified." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
Implied. A child may be "taught at home in the branches prescribed by law for the same length of time" as district schools. Utah Code Ann. sec. 53-24-1(b)(2) (1981).

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
Yes. A child is exempt from compulsory public school attendance if receiving instruction from persons who, in the judgment of the county superintendent and the county board of education, "are qualified to give instruction in subjects required to be taught in the free elementary schools of the State." W. Va. Code sec. 18-8-1(B) (1984). This is subject to confirmation by the attendance authority of the county. W. Va. Code sec. 18-8-1 (1984).

WISCONSIN
Yes. "Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside." Wis. Stat. Ann. sec. 118.15(4) (West Supp. 1983).

WYOMING
No provision.

TABLE II(E)(6)

DOES THE STATE COMPULSORY SCHOOL ATTENDANCE OR EDUCATION LAW PROVIDE FOR AN EXCEPTION BASED ON DISTANCE THAT A CHILD MUST TRAVEL TO ATTEND SCHOOL?

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ALABAMA
Yes. "Children [who] would be compelled to walk over two miles to attend a public school" are excused from the compulsory education requirement. Ala. Code sec. 16-28-6(a)(3) (1975).

ALASKA
Yes. A child may be excused from compulsory attendance at a public school if the child "resides more than two miles from either a public school or a route on which transportation is provided by school authorities, except this section does not apply if the pupil resides within two miles of a federal or private school which the child is eligible and able to attend . . . ." Alaska Stat. sec. 14.30.010(7) (1982).

AMERICAN SAMOA
No provision.

ARIZONA
Yes. "A pupil precluded by distance or lack of adequate transportation facilities from attending a school in the school district or county of his residence or who resides in unorganized territory may apply to the county school superintendent for a certificate of educational convenience." Ariz. Rev. Stat. Ann. sec. 15-825 (Supp. 1982).

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO

No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. Children living more than 2 1/2 miles from a school, where free transportation is not furnished, and children living more than 1 1/2 miles from a transfer route are excused. La. Rev. Stat. Ann. sec. 17:226(2) (West 1982).

MAINE
No. "Elementary students who live remote from a public school in their school administrative unit may, with the consent of the school board in their unit, attend public school in an adjoining school administrative unit or a neighboring state if the adjoining unit accepts tuition students. The school administrative unit where the student's parents reside shall pay tuition and transportation." Me. Rev. Stat. Ann. tit. 20-A, sec 5203(2) (Supp 1983) (elementary schools); Me. Rev. Stat. Ann. tit 20-A, sec. 5204(2) (1983) (secondary schools).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Yes. "A child shall not be required to attend the public schools in the following cases: c) A child under 9 years of age who does not reside within 2 1/2 miles by the nearest traveled road of a public school. If transportation for pupils is furnished in the school district of the child's residence, the exemption does not apply." Mich. Comp. Laws Ann. sec. 380.1561(3)(c) (West Supp. 1983).

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
Yes. "The trustees of any district may provide supervised correspondence study for a pupil when it is impossible for him to attend a school due to the isolation of his residence . . . ." Supervision "shall be provided by the District Superintendent . . . ." Mont. Code Ann. sec. 20-7-116 (1983). If the trip by bus is over one hour parental permission is required or the district must provide alternative individual transportation. Mont. Code Ann. sec. 20-10-121(4) (1983).

NEBRASKA
No provision.

NEVADA
Yes. Attendance is "excused when the superintendent of public instruction has determined that child's residence is located at such a distance . . . as to render attendance unsafe or impractical . . . ." Nev. Rev. Stat. sec. 392.080 (1981).

NEW HAMPSHIRE
No provision.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No provision.

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
Yes. For children ages seven, eight and nine if they live over one and a half miles from school; for children age ten or older, if they live three miles from school. Or. Rev. Stat. sec. 339.030(5) (1981).

PENNSYLVANIA
Yes. In certain districts, if a student resides two or more miles by the nearest public highway from any public school and no free transportation is provided, the student is exempt from compulsory attendance. Pa. Stat. Ann. tit. 24, sec. 13-1330(5) (Purdon 1962).

PUERTO RICO
Yes. The compulsory attendance law applies only where there is "a school within reasonable distance as hereinbefore mentioned where accommodation can be furnished . . . ." P.R. Laws Ann. tit. 18, sec. 80(c) (1974).

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
Yes. "[C]hildren living more than 3 miles, by the nearest traveled road, from a school of suitable grade to which free transportation is not furnished by the school board, and children living more than 3 miles from a route providing transportation furnished by the county board of education to a school of suitable grade" are exempted from compulsory attendance. Tenn. Code Ann. sec. 49-1710(b) (1977).

TEXAS
No provision.

UTAH
Yes. A child is excused if there is no school in the district, or no class of required length available within two and one half miles of the child's residence, unless the district provides free transportation. Utah Code Ann. sec. 53-24-1(b)(4) (1981).

VERMONT
No provision.

VIRGINIA
Yes. A child is excused from compulsory attendance if he is under 10 years of age and lives 2 or more miles from a public school, unless public transportation is within 1 mile of residence, or if the child is between ages 10 and 17 and lives 2 1/2 miles or more from a public school, unless public transportation is within 1 1/2 miles of residence. Va. Code sec. 22.1-256(2)-(3) (Supp. 1983).

VIRGIN ISLANDS
Yes. "A child under fifteen years of age may be excused when he has completed the course of study for elementary schools and lives beyond walking distance to a higher school and free transportation is not provided . . . ." V.I. Code Ann. tit. 17, sec. 90 (1976).

WASHINGTON
No provision.

WEST VIRGINIA
Yes. A child whose residence is more than two miles from the school or bus route (or other publicly provided transportation) is exempted from the compulsory public school attendance requirement. W. Va. Code sec. 18-8-1(D) (1984). This is subject to confirmation by the attendance authority of the county. W. Va. Code sec. 18-8-1 (1984).

WISCONSIN
No provision.

WYOMING
No provision.

TABLE II(E)(7)

DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW PROVIDE FOR AN EXCEPTION FOR HANDICAPPED CHILDREN?

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ALABAMA
Yes. "Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study" are excused from the compulsory education requirement. "Before issuing [the] certificate of exemption the superintendent shall require a certificate from the county health officer . . . [or] from a regularly licensed, practicing physician . . . that such child is physically or mentally incapacitated for school work. . . ." Ala. Code sec. 16-28-6(a)(1) (1975).

ALASKA
Yes. A child may be excused from compulsory attendance at a public school if the child "has a physical or mental condition which a competent medical authority determines will make attendance impractical . . . ." Alaska Stat. sec. 14-30-010(b)(3) (1982).

AMERICAN SAMOA
No provision.

ARIZONA
Yes. The county superintendent is to excuse a child "in such physical or mental condition that attendance is inexpedient or impracticable" Ariz. Rev. Stat. Ann. sec. 15-802(B)(3) (Supp. 1982) (This language is unaffected by 1984 amendments.)

ARKANSAS
Yes. "[C]hildren mentally or physically incapacitated to perform school duties are excused from school attendance." Ark. Stat. Ann. sec. 80-1504(a) (1980). "The power of granting exemptions . . . shall rest with the county superintendent of schools." Ark. Stat. Ann. sec. 80-1505 (Supp. 1983)

CALIFORNIA
Yes. If the child's attendance is "inimical to the welfare of other pupils," the child is excused. Cal. Educ. Code sec. 48212 (West 1978).

If the child's condition makes attendance "inadvisable," the local board may exempt the child. Cal. Educ. Code sec. 48221 (West 1978).

There is a limited exemption for blind or deaf children. Cal. Educ. Code sec. 48226 (West 1978). See also Cal. Educ. Code sec. 48410(c) (West 1978).

COLORADO
Yes. The law exempts children who are "absent for an extended period due to physical, mental, or emotional disability." Colo. Rev. Stat. sec. 22-33-104(2)(c) (1973). Subject to the state special education law, a disabled child can be denied admission to a public school if he or she cannot benefit from the programs available, or if the child has a disease or disability that makes his or her presence inimicable to the welfare of other pupils. Colo. Rev. Stat. sec. 22-33-106 (2)(a) & (b)(Supp. 1982). However, blind or deaf children must attend a school which provides "suitable specialized instruction." Colo. Rev. Stat. sec. 22-33-104(3) (1973). No approval is required.

CONNECTICUT
Yes. The commissioner of education may release an "educationally retarded child" from the requirement of completing eight yearly grades if it is in the best interests of such child or of the other children of the school. Conn. Gen. Stat. Ann. sec. 10-190 (West Supp. 1983).

DELAWARE
Yes. The superintendent of schools of the district where the child resides must approve the exception. Del. Code Ann. tit. 14, sec. 2705 (1981).

DISTRICT OF COLUMBIA
Yes. "The Board of Education of the District of Columbia may issue a certificate excusing from attendance at school a child who, upon examination ordered by such board, is found to be unable mentally or physically to profit from attendance at school:

Provided, however, that if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction." D.C. Code sec 31-403 (1981).

FLORIDA
Yes. A child is exempt from compulsory attendance if his/her "physical, mental, or emotional condition is such as to prevent successful participation in . . . regular programs. . . . [B]efore issuing a certificate of exemption. . . the superintendent shall require submission of a statement from the county health officer. . . [or] from a licensed, practicing physician or qualified psychological examiner. . . ." Fla. Stat. Ann. sec. 232.06(1) (West Supp. 1983).

GEORGIA
No provision. The law gives local and state boards authority to determine exemptions. S.B. 504, May, 1984, to be codified as Ga. Code sec. 20-2-693.

GUAM
Yes. A child may be exempt if "the Board of Education has obtained a certified statement from a qualified physician or psychiatrist that the child is so physically or mentally disabled that he is unable to benefit from school attendance and that his attendance would be inimical to the welfare of the other students." Guam Code Ann. tit. 17 sec. 6106 (1982).

HAWAII
Yes. An exemption is provided upon a certificate of duly licensed physician as evidence. Hawaii Rev. Stat. sec. 298-9(1) (1976).

IDAHO
Yes. "When a licensed physician or psychiatrist shall state in writing . . . that the physical, mental or emotional condition of a child does not permit attendance at school . . . the board of trustees may at its discretion grant the requested exemption during the existence of such condition. Idaho Code. sec. 33-204 (1981).

ILLINOIS
Yes. A competent physician must certify the disability to the county or district truant officer. Ill. Ann.

Stat. ch. 122, sec 26-1(2) (Smith-Hurd Supp. 1983).

INDIANA
Yes. "[A] superintendent may exclude or excuse any child found mentally or physically unfit for school attendance." Ind. Code Ann. sec. 20-8.1-3-19 (Burns 1980).

IOWA
Yes. A child who is "physically or mentally unable to attend school" may be excused upon "proofs by affidavit as to the physical or mental condition of the child." Iowa Code Ann. sec. 299.5 (1981). However, [c]hildren over seven and under nineteen years of age who are so deaf or blind or severely handicapped as to be unable to obtain an education in the common schools shall be sent to the proper state school therefore, unless exempted . . . ." Iowa Code Ann. sec. 299.18 (1981). The district court or the juvenile court of the county where the child resides shall determine whether the child should attend school. Iowa Code Ann. sec. 299.20 (1981).

KANSAS
Yes. Exceptional children are exempt from the basic compulsory education law, but must receive mandatory special education. See Kan. Stat. Ann. secs. 72-1111(b), 72-962, 72-967 (1980).

KENTUCKY
Yes. Children "whose physical or mental condition prevents or renders inadvisable attendance at school or application to study" are exempted. Ky. Rev. Stat. Ann. sec. 159.030(d) (Supp. 1982). Children who are enrolled in state approved private or parochial programs for exceptional children, or state supported programs for exceptional children are exempted. Ky. Rev. Stat. Ann. secs. 159.030(e) and (f) (Supp. 1982). Home, hospital, or institutional instruction must be provided, as applicable, where an exemption is granted. Ky. Rev. Stat. Ann. sec. 159.030(3) (Supp. 1982).

LOUISIANA
Yes. The exemption must be certified in writing by a professionally qualified person designated by the parish or city school. La. Rev. Stat. Ann. sec. 17:226(1) (West 1982).

MAINE
No provision.

MARYLAND
Yes. "This section does not apply to a child . . . [w]hose mental, emotional or physical condition makes his instruction detrimental to his progress." This exemption requires the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist. Md. Educ. Code Ann. sec. 7-301(d)(2)(i) (1978).

MASSACHUSETTS
Yes. Compulsory attendance of public school is not required of "a child whose physical or mental condition is such as to render attendance inexpedient or impracticable subject to [the special education law]. . . ." Mass. Gen. Laws ch. 76, sec. 1 (West 1982). Exemption must be approved by the department of education. Mass. Gen. laws ch. 71b, sec. 3 (West 1982).

MICHIGAN
No provision.

MINNESOTA
Yes. A parent, guardian, or other person having control over a child may have the child excused from attendance if it is shown "[t]hat the child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required . . . ." Minn. Stat. Ann. sec. 120.10(3) (1) (West Supp. 1983). The parent must submit an application of excusal to "any member of the [school] board, a truant officer, a principal, or the superintendent." Minn. Stat. Ann. sec. 120.10(3) (West Supp. 1983).

MISSISSIPPI
Yes. "No child shall be required to attend school . . . who is mentally or physically incapable of attending school" as determined by the attendance counselor, with provision for appeal to the principal, superintendent, and board of trustees. Miss. Code Ann. secs. 37-13-97, 37-13-93 (Supp. 1982).

MISSOURI
Yes. "A child who, to the satisfaction of the

superintendent of schools of the district in which he resides, . . . is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof . . . ." Mo. Ann. Stat. sec. 167.031(1) (Vernon Supp. 1983).

However, this statute applies "to handicapped children and severely handicapped children, provided such children receive special education." Mo. Ann. Stat. sec. 167.033 (Vernon Supp. 1983). See also Op. Atty. Gen. No. 179, Mallory, 9-18-74.

MONTANA
Yes. A parent must enroll the child in the public school "unless the child is excused from enrollment . . . where it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions . . ." Mont. Code Ann. sec. 20-5-102(c) (1983). Also "[t]he trustees of any school district may provide supervised correspondence study for a pupil when it is impossible for him to attend due to . . . his mental or physical incapacity. Supervision . . . shall be provided by the district superintendent . . . ." Mont. Code Ann. sec. 20-7-116 (1983).

NEBRASKA
Yes. "In case exemption is claimed on account of mental or physical incapacity, the school board shall have the right to employ a physician or a person skilled in mental diagnosis, who shall examine such child . . . ." Neb. Rev. Stat. sec. 79-203 (1982).

NEVADA
Yes. Satisfactory written evidence must be presented to the board of trustees of the school district in which the child resides. Nev. Rev. Stat. sec. 392.050 (1981).

NEW HAMPSHIRE
Yes. A child is excused if "his physical or mental condition is such as to prevent his attendance or to make it undesirable." N.H. Rev. Stat. Ann. sec. 193:1 (1977). The state board of education approves the exemption. N.H. Rev. Stat. Ann. sec. 193:3 (1977). See Lisbon Regional School Dist. v. Landaff School Dist., 327 A.2d 727 (N.H. 1974).

NEW JERSEY
Yes. The board of education of the local school district must determine that the child cannot benefit from instruction in school or that his bodily condition prevents his attendance at school. N.J. Stat. Ann. sec. 18A:38-26 (West 1968).

NEW MEXICO
Yes. A school-age person may be judged unable to benefit from instruction on the basis of standards adopted by state board of education. N.M. Stat. Ann. sec. 22-12-2(5) (Supp. 1983).

NEW YORK
Yes. Persons are required to attend school "only if in proper mental and physical condition." Such persons are to be examined by qualified persons, designated by the state department of education and to make examinations on behalf of the local school authorities. N.Y. Educ. Law sec. 3208 (McKinney 1981).

NORTH CAROLINA
Yes. "As to any deaf child, or any blind child not attending a public school as herein provided, the superintendent of any school for the blind or deaf may exempt any such child from attendance at any session or during any year, and may discharge from his custody any such blind or deaf child whenever such discharge seems necessary or proper." N.C. Gen. Stat. sec. 115C-383 (1983).

NORTH DAKOTA
Yes. A handicapped child (blind, deaf or mentally deficient) must be sent to the appropriate institution unless excused by the superintendent of the state institution. N.D. Cent. Code sec. 15-34.1-02 (1981).

Compulsory education is required for "any educable child." N.D. Cent. Code sec. 15-34.1-01 (1981).

OHIO
Yes. The superintendent of schools may excuse a child from attendance after a showing "[t]hat his bodily or mental condition does not permit his attendance at school or a special education program during such period; this fact is certified in writing by a licensed

physician, or in the case of a mental condition by a licensed physician, a licensed psychologist, licensed school psychologist . . . and provision is made for appropriate instruction of the child . . . ." Ohio Rev. Code Ann. sec. 3321.04(A)(1) (Page 1980).

OKLAHOMA

Yes. Compulsory attendance is not required "[i]f any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician . . . ." Okla. Stat. Ann. tit. 70, sec. 10-105(a) (West Supp. 1982).

OREGON

Yes. Oregon law requires public schools to provide home, hopsital, instutitional or other regularly scheduled instruction, where a physical or mental illness makes presence in school or travel to school impossible or dangerous to the child or others. Or. Rev. Stat. sec. 339.030(4) (1981).

PENNSYLVANIA

Yes. "The provision of this act requiring regular attendance shall not apply to any child who "[h]as been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education." Pa. Stat. Ann. tit. 24, sec. 13-1330(2) (Purdon Supp. 1983).

PUERTO RICO

No provision.

RHODE ISLAND

Yes. An exception is provided where the "[p]hysical or mental condition of the child was such as to render his attendance at school inexpedient or impracticable . . . ." The school committee approves the exemption. R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA

Yes. "Any child who obtains a certificate from a psychologist certified by the State Department of Education or from a licensed physician stating that he is unable to attend school because of a physical or mental disability [is exempt]; provided there are no suitable special classes available for such child in the school district where he resides." S.C. Code sec. 59-65-30(b) (1976).

SOUTH DAKOTA
No provision.

TENNESSEE
Yes. "[C]hildren mentally or physically incapacitated to perform school duties (such disability to be attested by a duly licensed physician in all cases)" are exempted from complusory attendance. Tenn. Code Ann. sec. 49-1710(a) (1977).

TEXAS
Yes. "[A]ny child who is handicapped . . . and who cannot be appropriately served by the resident district" is exempt from compulsory school attendance. . . . This section does not relieve a resident district . . . of its responsibility to provide a handicapped child with a free appropriate education. Tex. Educ. Code Ann. sec. 21.033(a)(2); 21.033(b) (Vernon Supp. 1982).

Also, "any child with a physical or mental condition of a temporary and remediable nature which renders . . . attendance infeasible and who holds a certificate from a qualified physician" shall be exempt from compulsory attendance. Tex. Educ. Code Ann. sec. 21.033(a)(3) (Vernon Supp. 1982).

UTAH
Yes. An exception is provided if a child "is in such physical or mental condition (which must be certified by a competent physician if required by the board) as to render such attendance inexpedient and impracticable." Utah Code Ann. sec. 53-24-1(b)(3) (1981).

VERMONT
Yes. A child must attend school unless "the child is mentally or physically unable to attend . . . ." Vt. Stat. Ann. tit. 16, secs. 1121(1), (Supp. 1983). No approval is specified.

VIRGINIA

Yes. A school board shall on recommendation of the juvenile and domestic relations district court . . . excuse from attendance . . . any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence . . . ." Va. Code sec. 22.1-257(3) (1980).

VIRGIN ISLANDS

No provision.

WASHINGTON

Yes. A child must attend school under the compulsory education law unless "the school district superintendant . . . shall have excused such child from attendance because the child is physically or mentally unable to attend school . . . ." Wash. Rev. Code sec. 28A.27.010 (1982).

WEST VIRGINIA

Yes. A child whose physical or mental incapacity prevents him from attending and performing school work is exempted from the compulsory public school attendance requirement. "In all cases of prolonged absence due to incapacity of the child to attend, the written statement of a licensed physician or authorized school nurse shall be required . . . . Provided, that in all cases incapacity shall be narrowly defined and in no case shall the provision of this article allow for the exclusion of the mentally, physically, emotionally or behaviorally handicapped child other wise entitled to a free, appropriate education . . . ." W. Va. Code sec. 18-8-1(C) (1984). This is subject to confirmation by the attendance authority of the county. W. Va. Code sec. 18-8-1 (1984). Special programs provided by these sections also include the gifted. W. Va. Code secs. 18-20-1 through 18-20-6 (1984).

WISCONSIN

No. A child may be excused for good cause, but "good cause may not be based upon the child's exceptional educational needs . . . ." Wis. Stat. Ann. sec. 118.5(1)(3)(b) (West Supp. 1983).

WYOMING

Yes. If the local board determines that attendance is detrimental to the "mental or physical health of such child or the other children in the school" a child may be excused. The board of trustees of each school district "may designate at the expense of the district a medical doctor of its choice to guide it and support it in its decision." Wyo. Stat. sec. 21-4-102(a)(i) (1977).

TABLE II(E)(8)

DOES THE STATE COMPULSORY SCHOOL ATTENDANCE OR EDUCATION LAW PROVIDE FOR A WORK RELEASE? IF SO, UNDER WHAT CIRCUMSTANCES?

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ALABAMA
Yes. The release is available to "children [who] are legally and regularly employed . . . ." Ala. Code sec. 16-28-6(a)(4) (1975).

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
Yes. The county superintendent is to excuse a child who is "over fourteen years of age and is, with the consent of his parents or guardian, employed at some lawful wage earning occupation." Ariz. Rev. Stat. Ann. sec. 15-802(B)(6) (Supp. 1982). A child who is enrolled "in a work training, career education, vocational or manual training program which meets the educational standards established and approved by the department of education" is excused from the compulsory school attendance requirement. Ariz. Rev. Stat. Ann. sec. 15-802(B)(7) (Supp. 1982) (The language in both sections are unaffected by 1984 amendments.).

ARKANSAS
No provision.

CALIFORNIA
Yes. Children over age 14 are allowed an exemption to work but they must attend school part time. See generally, Cal. Educ. Code sec. 48227-48230 (West 1978). California provisions cover age, hours of work, hours of school attendance, work permit requirements, and similar matters. See Cal. Educ. Code sec. 49100-49183 (West 1978 & Supp. 1983).

COLORADO
Yes. Children who have a current work permit are exempt from compulsory attendance. Colo. Rev. Stat. sec. 22-33-104(2)(e) (1973)

CONNECTICUT
Yes. "Children over fourteen years of age shall not be subject to [compulsory attendance] while lawfully employed at labor at home or elsewhere. . . ." Conn. Gen. Stat. Ann. secs. 10-184 (West Supp. 1983).

DELAWARE
Yes. Delaware law provides for work release for children between the ages of 12 and 16. These children must attend the equivalent of at least four hours each week for at least 36 weeks each year while so employed. Del. Code Ann. tit. 14, secs. 3501--3515 (1981).

DISTRICT OF COLUMBIA
Yes. "Any child between the ages of 14 and 16 years who has completed satisfactorily the eighth grade . . . or a course of study equivalent thereto, may be excused by the Superintendent of Schools from further attendance at school . . ., provided he is actually, lawfully, and regularly employed." D. C. Code sec. 31-402 (1981).

FLORIDA
Yes. Employment exemptions are available for "[c]hildren who have reached 14 years of age [and] who hold employment certificates and are employed under provisions of the child labor law." Fla. Stat. Ann. sec. 232.06(2) (West Supp. 1983).

GEORGIA
No provision. The law gives local and state boards authority to determine exemptions. S.B. 504, May, 1984, to be codified as Ga. Code sec. 20-2-693.

GUAM
No provision.

HAWAII
Yes. If the child is 15 years or more and excused by school dept., family court or district judge and suitably employed she or he may be excused. Hawaii Rev.

Stat. sec. 298-9(3) (Supp. 1982)

IDAHO
No provision.

ILLINOIS
Yes. The superintendent of the school the child should be attending may excuse a child who is "necessarily and lawfully employed," in accord with the child labor laws, upon a certification of the facts. Ill. Ann. Stat. ch. 122, sec 26-1(3) (Smith-Hurd Supp. 1983).

INDIANA
Yes. However, the length and time of child employment is regulated. For instance, "[n]o person, firm or corporation may employ or permit any child less than fourteen years of age to work in any occupation during the hours when the schools in the school corporation in which the child resides are in session . . . ." Ind. Code Ann. sec. 20-8.1-4-21(b) (Burns Supp. 1983). See generally Ind. Code Ann. secs. 20-8.1-4-2 through 20-8.1-4-31 (Burns Supp. 1983).

IOWA
Yes. A child may be excused if she or he is 14 or over and "regularly employed." Iowa Code Ann. sec. 299.2 (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
No. Children will not be excused to work in any job, even in their own homes or for their own parents or tutors. La. Rev. Stat. Ann. sec. 17:226 (West 1982). However, part-time schools are established for employed boys between the ages of 14 and 16 years, and employed girls between the ages of 14 and 18 years. La. Rev. Stat. Ann. sec. 17:291 (West 1982).

MAINE
Yes. "Students . . . shall be excused if they: [a]re 14

years of age or older; [a]gree to participate in a suitable program of work, work study or training; [h]ave their parents or guardians consent; and [t]he principal approves." Me. Rev. Stat. Ann. tit. 20-A, sec. 5002(1)(A-D) (1983).

MARYLAND
No provision.

MASSACHUSETTS
Yes. The superintendent of schools of the town where the child resides must give written permission for "non-wage-earning employment at home." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
Yes. "A child between fourteen and sixteen years of age may be excused from attendance at school for the full time required, or any part thereof, or if there is none then by a court of competant jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parent or guardian of the child have been advised of the pending action." Mo. Ann. Stat. sec. 167.031(2) (Vernon Supp. 1983). However, "[i]f a school board established part-time schools or classes for children under sixteen years of age, lawfully engaged in any regular employment, every parent, guardian or other person having control or custody of such a child shall cause the child to attend school not less than four hours a week . . . ." Mo. Ann. Stat. sec. 167-051(1) (Vernon Supp. 1959).

MONTANA
No provision.

NEBRASKA

Yes. Children at least 14 years old who have completed the work of the eighth grade, and whose earnings are required for their own support or the support of their actual dependents may be issued a work permit, but must attend, if available, a continuation school for at least 8 hours per week. The permit is issued by the county or local superintendent. Neb. Rev. Stat. secs. 79-202, 205, 206 (1976).

NEVADA
Yes. A child 14 years of age or over who must work for his own or his parent's support is excused. Nev. Rev. Stat. sec. 392.100 (1981). Also, a child between the ages of 14 and 17 who has completed the work of the first eight grades may be permitted to enter proper employment or apprenticeship. Nev. Rev. Stat. sec. 392.110 (1981).

NEW HAMPSHIRE
No provision.

NEW JERSEY
Yes. Employment certificates are available to study part-time for pupils over 14 years old who work part-time. N.J. Stat. Ann. sec. 18A:38-36 (West 1968).

NEW MEXICO
Yes. If the child is at least 14 years old, he or she may obtain a certificate of employment from the superintendent of schools of the local school district. N.M. Stat. Ann. sec. 22-12-6 (1978).

A child 16 or older who will be employed in a gainful trade or occupation or is "engaged in an alternative form of education sufficient for the person's educational needs", may be excused, with parental consent. N.M. Stat. Ann. sec. 22-12-2.A(3) (Supp. 1983).

NEW YORK
Yes. "A minor for whom application for a full-time employment certificate has been made and who is eligible therefor may, though unemployed, be permitted to attend part time school not less than twenty hours per week instead of full time school." N.Y. Educ. Law secs. 3205.2(b) (McKinney 1981).

The local board of education must appprove the request for work release. N.Y. Educ. Law sec. 3206.1 (McKinney 1981).

NORTH CAROLINA
No. If any child "between the ages of seven and 16 years is not able to attend school by reason of necessity to work or labor for the support of himself or the support of the family, ... [and] the court shall find, after careful investigation, that the parents have made or are making a bona fide effort to comply with the compulsory attendance law, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable compliance with the attendance law." N.C. Gen. Stat. sec. 115C-382 (1983).

NORTH DAKOTA
Yes. A child shall be excused if "the child actually is necessary to the support of his family, which shall be a question of fact to be determined by the governing board of the district with the approval of the county superintendent of schools and such determination shall be subject to review by the superintendentof public instruction on appeal." N.D. Cent. Code sec. 15-34.1-03(3) (Supp. 1983).

OHIO
Yes. The superintendent of schools may "excuse a child over fourteen teen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his parents or legal guardians." Ohio Rev. Code Ann. sec. 3321.04(B) (Page 1980).

OKLAHOMA
No provision.

OREGON
Yes. Children between the ages of 16 and 18 who are lawfully employed are exempt from compulsory school attendance. Or. Rev. Stat. sec. 339.030(1)(1981).

PENNSYLVANIA

Yes. A child sixteen years of age, holding an employment certificate and engaged in useful and lawful employment, may be exempt from regular attendance. Pa. Stat. Ann. tit. 24, sec. 13-1330(1) (Purdon 1962). See also 13-1327 (Purdon Supp. 1983) (allowing 15-16 year olds to enroll in trade schools).

A child 15 years of age, and involved in "farm or domestic service in a private home on a permit issued by the school board or the designated school oficial of the district of the child's residence . . . ." may be exempt from school attendance. Pa. Stat. Ann. tit. 24, sec. 13-1330(3) (Purdon 1962)

A child 14 years of age, and involved in "farm or domestic service in a private home on a permit issued [by the school board or the designated school oficial of the district of the child's residence], and who has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools . . . , if the issuance of such a permit has first been recommended by the district superintendent of schools . . . where [the] child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction." Pa. Stat. Ann. tit. 24, sec. 13-1330(4) (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
Yes. "Any child who has completed the eighth grade and who is determined by the court to be legally and gainfully employed whose employment is further determined by such court to be necessary for maintenance of his home" is exempted. S.C. Code sec. 59-65-30(c) (1976). Exemptions are approved by the State Board of Education. S.C. Code sec. 59-65-10 (1976).

SOUTH DAKOTA
No provision.

TENNESSEE

Yes. Children age 16 appear to be excused, as a child may be exempt from compulsory attandance if "temporarily excused from attendance in school under rules and regulations promulgated by the state board of education, which rules and regulations shall not be in conflict with. . . any other law govening child labor in this state . . . ." Tenn. Code Ann. Sec. 49-1710(d) (1977). Child labor laws require that "[a] minor who is either fourteen or fifteen . . . may not be employed . . . during school hours." Tenn. Code Ann. Sec. 50-5-104(b)(1) (Supp. 1983).

TEXAS

Yes. "[A]ny child more than 17 years of age who has satisfactorily completed the work of the ninth grade and who presents to the chief administrator of the school . . . satisfactory evidence showing that his services are needed in support of a parent or other person standing in a parental relation to the child . . . ." Tex. Educ. Code Ann. sec. 21.033(a)(4) (Vernon Supp. 1982).

UTAH

Yes. "[A]ny minor over the age of sixteen years, who has completed the eighth grade or whose services are required for the support of a mother or invalid father, may be legally excused to enter employment, but if such minor is so excused, the parent, guardian or other person shall be required to send such minor to a part-time school or class at least one hundred forty-four hours per year." Utah Code Ann. sec. 53-24-1(a) (1981).

VERMONT

Yes. An exemption is authorized for those who are at least age 15 who have completed the first 6 years of the elementary school course and whose services are needed for the support of dependents "or for any other sufficient reason". Vt. Stat. Ann. tit. 16, sec. 1123(c) (1974).

VIRGINIA

No provision.

VIRGIN ISLANDS

No. "Any person who employs a child of compulsory school age and who by such employment knowingly causes tardiness or absence of such child shall upon conviction therefor be liable to a fine of not more than $10 for the first offense and a fine of not more than $25 for each succeeding offense." V.I. Code Ann. tit. 17, sec. 88(b) (1976).

WASHINGTON
Yes. A work release exemption is provided for children age 15 through 17. Wash. Rev. Code sec. 28A.27.010 (1982). See also Wash. Rev. Code sec. 28A.27.090 (1982). All excuses must be approved by the local district superintendent. Wash. Rev. Code sec. 28A.27.010 (1982).

WEST VIRGINIA
Yes. The county superintendent may exempt from the compulsory public school attendance requirement youths under 16 who have completed the eighth grade. W. Va. Code sec. 18-8-1(G) (1984).

WISCONSIN
No provision.

WYOMING
No provision.

TABLE II(E)(9)

DOES THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW EXEMPT THOSE WHO HAVE A RELIGIOUS OR CONSCIENTIOUS OBJECTION TO SCHOOL ATTENDANCE? IF SO, UNDER WHAT CIRCUMSTANCES?

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ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision. The law gives local and state boards authority to determine exemptions. S.B. 504, May, 1984, to be codified as Ga. Code sec. 20-2-693.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Yes. However, the exemption is very limited and appliies only to recognized religious denominations established for 10 years or more prior to 1967. The state superintendent may exempt members of such groups, subject to the approval of the state board.

"When the exemption has once been granted renewal of such exemptions for each succeeding school year may be conditioned . . . upon proof of achievement in the basic skills . . . ." Iowa Code Ann. sec. 299.24 (West Supp. 1983).

KANSAS
Yes. "When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches . . . a regularly supervised program of instruction which is approved by the state board of education for children of compulsory school attendance age who have successfully

completed the eigth grade, participation in such a program of instruction by children who have successfully completed the eighth grade and whose parents or guardians, are members of the sponsoring church . . . shall be regarded as acceptable school attendance within the meaning of [the compulsory school attandance] act."

The conditions necessary for approval are:
(1) Five hours per day of learning activities.
(2) Acceptable learning activities (e.g. agricultural projects)
(3) Fifteen hours per week of classroom work.
(4) Regular attendance reports.
(5) Work log of instructor.
(6) Competent instructor.
(7) Church must specify its objection to public high school education.
(8) Non-compliance will result in revocation of approval. Kan. Stat. Ann. sec. 72-1111(a)(1-8) (1980).

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No provision. However, state board regulations provide for acceptance of home instruction for families with religious objection to public school. Regulations and Procedures for Home Education Programs in New Hampshire, March 1984, sec. 315.01(d).

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No provision.

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Yes. A school board shall excuse from attendance at school any pupil who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school . . ." Va. Code sec. 22.1-257(2) (1980).

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
No.

WISCONSIN
No provision.

TABLE II (E) (10)

ARE THERE ADDITIONAL EXCEPTIONS TO THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE REQUIREMENT (OTHER THAN EXCEPTIONS FOR PRIVATE SCHOOL ATTENDANCE, HOME INSTRUCTION OR TUTORING, DISTANCE, HANDICAP, WORK RELEASE OR RELIGIOUS REASONS)?

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ALABAMA

Children "16 years of age and upward or children who have completed the course of study" are excused. Ala. Code sec. 16-28-6-(a)(2) (1975).

ALASKA

A student is excused if he or she attends a federally operated school, Alaska Stat. sec. 14.030.010(b)(2) (1982); is in custody of a court or law enforcement authorities, Alaska Stat. sec. 14-030-010(b)(4) (1982); is excused by the school board, Alaska Stat. sec. 14.030.010(b)(8) (1982); has completed twelfth grade, Alaska Stat. sec. 14.030.010(b)(9) (1982); or suffers from a temporary illness or injury, Alaska Stat. sec. 14.030.010(b)(5) (1982).

AMERICAN SAMOA

Children may be "excused or excluded for good reasons by the director of education." Am. Samoa Code Ann. sec. 16.0302 (1983).

ARIZONA

The county superintendent is to excuse a child who "has completed the high school courses necessary for completion of grade ten as prescribed by the state board of education." S.B. 1125, signed into law May 10, 1984, sec. 11 to be codified as Ariz. Rev. Stat. sec. 15-802(B)(4). This provision is not effective until the 1985-86 school year, when grade 9 becomes the completion requirement; in 1986-87 grade 10 becomes the requirement. S.B. 1125, sec. 20. The county superintendent is to excuse a child who "has presented reasons for nonattendance which are satisfactory to a board consisting of the president of the local governing board, the teacher of the child and the probation officer of the superior court in the county." Ariz.

Rev. Stat. Ann. sec. 15-802(B)(5) (Supp. 1982) (This language is unaffected by 1984 amendments.).

ARKANSAS
There are exceptions for: children who have completed the course of study including eighth grade, Ark. Stat. Ann. sec. 80-1504(b) (1980); children whose services are needed to support widowed mothers, Ark. Stat. Ann. sec. 80-1504(c) (1980); and children who attend Future Farmers of America and 4H, Ark. Stat. Ann. sec. 80-1558 (Supp. 1983). "The power of granting exemptions . . . shall rest with the county superintendent of schools." Ark. Stat. Ann. sec. 80-1505 (Supp. 1983)

CALIFORNIA
Temporary absence for justifiable reasons is excused. Cal. Educ. Code sec. 48205 (West Supp. 1983). Pupils age 16 and 17 who have graduated are excused. Cal. Educ. Code sec. 48410(b) (West 1978).

Pupils who are age 16 and meet state board's proficiency standards are excused. Cal. Educ. Code sec. 48410(e) & 48412(a) (West 1978).

Mentally gifted children enrolled in private schools meeting certain specifications are excused. Cal. Educ. Code sec. 48223 (West 1978).

A child 15 years or older may take a leave of absence for supervised travel, study, training or work not available in the school programs. Cal. Educ. Code sec. 48232 (Supp. 1983).

COLORADO
Children who have graduated from the twelfth grade are exempted from the compulsory attendance requirement. Colo. Rev. Stat. sec. 22-33-104(2)(h) (1973).

Children who are in the custody of the court or other law enforcement authorities are exempted from the compulsory attendance requirement. Colo. Rev. Stat. sec. 22-33-104(2)(f) (1973).

Children who have been suspended or expelled from school for disciplinary problems or because of improper immunizations are exempt. Colo. Rev. Stat. sec. 22-33-104(2)(d) (1973). See Colo. Rev. Stat. sec. 22-33-106(1)(e), 3(e)(1973 and Supp. 1982).

CONNECTICUT
No.

DELAWARE
Any child with a contagious disease shall be excluded from school until permission (from the proper school officer) to return is given. Del. Code Ann. tit. 14, sec. 2707 (1981).

DISTRICT OF COLUMBIA
"The Board of Education shall define in its rules and regulations valid excuses for absence from school . . . ." D.C. Code sec. 31-404 (1981).

FLORIDA
Exemptions are provided if the student has possession of a high school equivalency diploma, Fla. Stat. Ann. sec. 229.814(4) (West 1977); or if the student is pregnant, Fla. Stat. Ann. sec. 232.01(1)(d)(1) (West Supp. 1983).

Other exemptions are provided upon recommendations of a circuit judge, with the superintendent's approval; for example, when the student is a parent without access to child care. Fla. Stat. Ann. sec. 232.06(3)(4) (West Supp. 1983).

GEORGIA
Attendance "shall not be required where the child has completed all high school grades." Ga. Code Ann. sec. 20-2-691 (1982).

The law gives local and state boards authority to determine exemptions. S.B. 504, May, 1984, to be codified as Ga. Code sec. 20-2-693.

GUAM
No.

HAWAII
An exceptions is provided "[w]here open investigation by the family court, when feasible, or by the district judge, it has been shown for any other reason the child may properly remain away from school," Hawaii Rev. Stat. sec. 298-9 (Supp. 1982); and "[w]here a child has graduated from a high school or vocational school."

Hawaii Rev. Stat. sec. 298-9(4) (Supp. 1982). Also, an exemption is provided "[w]here the child is enrolled in an appropriate alternative educational program as approved by the superintendent in accordance with the plans and policies of the department of education." Hawaii Rev. Stat. sec. 298-9 (6) (Supp. 1982).

IDAHO

"The board of trustees may deny attendance at any of its schools by expulsion to any pupil who is an habitual truant . . . ." Idaho Code sec. 33-205 (1981).

ILLINOIS

No.

INDIANA

"Service as a page for the Indiana General Assembly constitutes a lawful excuse for a pupil to be absent from school. For each day of page service . . . a pupil shall be recorded as being in attendance at his school . . . . This section applies to all pupils, whether they attend public, private or parochial schools." Ind. Code Ann. sec. 20-8.1-3-18(a) (Burns Supp. 1983).

IOWA

The compulsory education law shall not apply to any child "[w]hose educational qualifications are equal to those of pupils who have completed the eighth grade . . . [or who] is excused for sufficient reason by any court of record or judge." Iowa Code Ann. secs. 299.2(2), (3) (West Supp. 1983).

KANSAS

"A child attending public school in this state shall not be required to participate in any activity which is contrary to the teaching of such child, if a written statement signed by one of the parents of such child is filed with the proper authorities." Kan. Stat. Ann. sec. 72-1111(c) (1980).

KENTUCKY

High school graduates are exempted. Ky. Rev. Stat. Ann. sec. 159.030(a) (Supp. 1982) Participation in 4-H activities is considered attendance. Ky. Rev. Stat. Ann. sec. 159.035 (1980).

LOUISIANA
Temporary excusal is provided for: illness in the family, La. Rev. Stat. Ann. sec. 17:226(3)(b) (West 1982); death in the family, La. Rev. Stat. Ann. sec. 17:226(3)(c) (West 1982); or personal illness, La. Rev. Stat. Ann. sec. 17:226(3)(a), (b) (West 1982).

MAINE
A child is excused on attaining the age of fifteen and completing ninth grade. Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(2)(b)(1) (1983). A child is excused if he or she has "agreed in writing with [the] parent or legal guardian and the school board or its designee to meet annually until [his or her] 17th birthday to review educational needs. Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(2)(B)(4) (1983).

MARYLAND
No.

MASSACHUSETTS
No.

MICHIGAN
If the child is a page or messenger in the legislature, attendance is excused. Mich. Comp. Laws Ann. sec. 380-1561(3)(b) (West Supp. 1983).

MINNESOTA
An attendance excusal is granted if it is shown "[t]hat the child has already completed the studies ordinarily required in the tenth grade . . . ." The local school board approves the exception. Minn. Stat. Ann. sec. 120.10 (Subd. 3) (2) (West Supp. 1983).

MISSISSIPPI
No.

MISSOURI
No.

MONTANA
A child may be excused from compulsory attendance "upon

a determination by a district judge that such attendance is not in the best interest of the child." Mont. Code Ann. sec. 20-5-102(d) (1983). A child may be excused from compulsory school attendance by the board of trustees "upon a determination that such attendance by a child who has attained the age of 16 is not in the best interest of the child and the school." Mont. Code Ann. sec. 20-5-102(e) (1983).

An Indian child may be excused from compulsory school attendance if prohibited by tribal laws or treaties. Mont. Code Ann. sec. 20-5-108 (1983).

NEBRASKA

Children who have graduated from high school are not covered under the compulsory attendance law. Neb. Rev. Stat. sec. 79-201 (1982) (this language unaffected by 1984 amendments).

NEVADA

Yes. A child is excused upon completion of 12th grade. Nev. Rev. Stat. sec. 392.060 (1981).

NEW HAMPSHIRE

Yes. "[A]ny child more than 14 years old who has completed the studies prescribed for the elementary school shall not be required to attend high school if the school district where he resides does not maintain a high school." N.H. Rev. Stat. Ann. sec. 193:1 (1977). The superintendent of schools can make an order exempting a child from attendance whenever the welfare of the child would be best be served by his or her withdrawal. N.H. Rev. Stat. Ann. sec. 193:5 (1977).

NEW JERSEY

No.

NEW MEXICO

A child under eight years old may be excused by the local superintendent. N.M. Stat. Ann. sec. 22-12-2(4) (Supp. 1983).

A child under 18 who has graduated from high school may be excused. N.M. Stat. Ann. sec. 22-12-2.A(2) (Supp. 1983).

NEW YORK

No.

NORTH CAROLINA
No.

NORTH DAKOTA
A child shall be excused from compulsory attendance if "the child has acquired the branches branches of learning taught in the public schools and has completed high school." N.D. Cent. Code sec. 15-34.1-03(2) (Supp. 1983).

OHIO
"The board of education of the city, . . . in which a public school is located or the governing authorities of private or parochial school may in the rules governing the discipline in such schools, prescribe . . . the manner in which any child may be excused for absence from such school for good and sufficient reason." Ohio Rev. Code Ann. sec. 3321.04(C) (Page 1980).

OKLAHOMA
A child who is sixteen may be excused from attending school by written, joint agreement between the school administrator and the parent of the child after a determination that it is in the best interests of the child and/or the community and that the child will be under the parent's supervision until the child is eighteen. Okla. Stat. Ann. tit. 70, sec. 10-105(A)(3) (West Supp. 1982).

OREGON
Children are excused if they can meet one of the following requirements: 1) 12th grade graduation. Or. Rev. Stat. sec. 339.010 (1981). 2) The child can show "to the satisfaction of the district board" that she or he has "equivalent knowledge" to that acquired in grades 1-12. Or. Rev. Stat. sec. 339.030 (3)(1981). 3) The district school board has exercised its authority to excuse children completing grades 1-8. Or. Rev. Stat. sec. 339-030(7) (1981). 4) The child is age 16 or 17, and has the consent of school administration or parent. Or. Rev. Stat. sec. 339.030(9) (1981).

PENNSYLVANIA
A sixteen-year-old may enroll in private trade or business school licensed by Department of Public

Instruction, or in a trade or business school operated by the school district. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
Children who "have completed each grade of the course of study prescribed for the particular school which meets the conditions outlined" may be excused. P.R. Laws Ann. tit. 18, sec. 80(c) (1974).

Children may be excused "when the parents or guardians show good and sufficient cause for withdrawal in the judgment of the supervising principal of schools of the municipality; Provided, such pupils may be dismissed for cause by the supervising principal of the municipality or by the school director with the approval of the Secretary of Education." P.R. Laws Ann. tit. 18, sec. 80(a) (1974).

RHODE ISLAND
"[If] the child was excluded from school by virtue of some general law or regulation, then such attendance shall not be obligatory nor shall such penalty be incurred . . . ." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
An exemption is provided for "any child who has been graduated from high school or has received the equivalent of a high school education from a school approved by the State Board of Education, or member school of South Carolina Independent Schools Association, or a private school in existence at the time of the passage of this article. S.C. Code sec. 59-65-30(a) (1976).

Exemptions are also provided for: "Any child who, at the time this article becomes law, is ten years of age or older, and has been out of school for three years or more, provided there are no special classes in the school district for the child to attend." S.C. Code sec. 59-65-30(d) (1976).

"Any child who is or has been married, any unmarried child who is pregnant or any child who has had a child out of wedlock." S.C. Code sec. 59-65-30(e) (1976). Exemptions are approved by the State Board of Education. S.C. Code sec. 59-65-10 (1976). "[N]othing . . . shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian . . . ." S.C. Code sec. 59-63-40(2) (1976).

SOUTH DAKOTA
The compulsory education law requires attendance "[u]ntil the child shall have completed the first 8 grades, . . . or shall have reached the age of 16 years of age . . . ." S. D. Codified Laws Ann. sec. 13-27-1 (1982). Also, a child may be excluded to attend "events of state or nationally recognized youth programs of educational value." S.D. Codified Laws Ann. sec. 13-27-6.1 (1982).

TENNESSEE
Children are not required to attend school if they "have attained their fifteeenth birthday and [their] continued compulsory attendance . . . results in detriment to good order and discipline . . . and is not of substantial benefit . . . ." Tenn. Code Ann. sec. 49-1710(e) (1977).

TEXAS
Any child expelled in accordance with the law is exempt from compulsory attendance. Tex. Educ. Code Ann. sec. 21.033 (a)(5) (Vernon Supp. 1982).

UTAH
Children may be excused if they have "already completed the work of a senior high school." Utah Code Ann. sec. 53-24-1(b)(1) (1981).

A child may be excused upon the recommendation of the school superintendent, with the approval of the district board of education. Utah Code Ann. sec. 53-24-1(c)(d) (1981).

VERMONT
No.

VIRGINIA
Children suffering from contagious or infectious diseases are excused while ill. Va. Code sec. 22.1-256(1) (Supp. 1983).

Nonimmunized children are excused until immunized. Va. Code sec. 22.1-256(1)(a) (Supp. 1983).

On recommendation of the principal and superintendent and with written consent of parent, any child who cannot benefit from education at public school may be excused. Va. Code sec. 22.1-257 (1980).

A child may be excused on recommendation of the Juvenile and Domestic Court because of child's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court to be justified. Va. Code sec. 22.1-257 (1980).

VIRGIN ISLANDS
"Any absence because of a religious holiday shall be recorded as excused absence on the pupil's attendance record." V.I. Code Ann. tit. 17, sec. 64 (1976). Exemption is permitted "when a child is fifteen years of age and has also completed the requirements of the course of study for the elementary schools, and his parent or guardian requests his dismissal." V.I. Code Ann. tit. 17, sec. 90 (1976).

WASHINGTON
1) For temporary absences, "for purposes agreed upon by the school authorities and the parent, guardian or custodian: Provided, that such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress." Wash. Rev. Code sec. 28A.27.010 (1982). 2) Children age 15 through 17 may be exempted if they receive "a certificate of educational competence" under rules established by the state board. Wash. Rev. Code sec. 28A.27.010 (1982). Children age 15 through 17 are also excused if they have "attained a reasonable proficiency in the branches required to be taught in the first nine grades of the public schools . . . ." Wash. Rev. Code sec. 28A.27.010 (1981). 3) Children may be exempted if in a residential school operated by the department of social and health services. Wash. Rev. Code sec. 28A.27.010.

WEST VIRGINIA
A child may be exempted from compulsory public school attendance because of hazardous conditions, "rendering school attendance impossible or hazardous to the life, health, or safety of the child." W. Va. Code sec. 18-8-1(E) (1984).

A child may be exempted from compulsory public school attendance because of serious illness or death in the immediate family of the pupil. W. Va. Code sec. 18-8-1(H) (1984).

A child may be exempted from compulsory public school attendance because of extreme destitution in the home. W. Va. Code sec. 18-8-1(I) (1984).

Deaf or blind children are exempt from attendance at the state schools for the blind and deaf, if they receive instruction from a private tutor or attend a school approved by the state board. W. Va. Code sec. 18-8-10(a) (1984).

WISCONSIN

"Upon the child's request of the school board and with the written approval of the child's parent or guardian, any child who is 16 years of age, or over, may attend in lieu of high school or on a part-time basis, a vocational, technical and adult education school." Wis. Stat. Ann. sec. 118.15(1)(b) (West Supp. 1983).

WYOMING

If the local board feels attendance would "work undue hardship" it may excuse a child. Wyo. Stat. sec. 21-4-102(a)(ii) (1977).

TABLE II(F)(1)

ARE PARENTS SUBJECT TO SANCTIONS FOR FAILURE TO COMPLY WITH THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

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ALABAMA
Yes. A parent may be found "guilty of a misdemeanor and, upon conviction, shall be fined not more than $100.00 and may also be sentanced to hard labor for the county for not more than 90 days." Ala. Code sec. 16-28-12 (1975).

ALASKA
Yes. A person violating the compulsory education law is guilty of a misdemeanor punishable by fine of not less than $50 or more than $200 and the cost of prosecution, and may be imprisoned until fine and costs are paid or the convicted parent has served one day for every $2 of the fine and costs. Each unlawful absence is a violation. A judge may suspend sentence, stay or postpone enforcement, if in the best interest of the child. All penalties are released at the end of each school year. Alaska Stat. sec. 14.030.020 (1982).

AMERICAN SAMOA
Yes. Parents who fail to comply shall be fined not more than $15.00, or confined in prison for not more than one month or both. Am. Samoa Code Ann. sec. 16.0308(d) (1983).

ARIZONA
Yes. "A person violating any provision of this section is guilty of a class 3 misdemeanor." Ariz. Rev. Stat. Ann. sec. 15-802(C) (Supp. 1982) (This language is unaffected by 1984 amendments.). A class 3 misdemeanor carries a fine of not more than $500. Ariz. Rev. Stat. Ann. sec. 13-802(C) (West 1978).

ARKANSAS
Yes. If a parent fails to place a child in school within five days of receiving notice from an attendance

officer, he or she is subject to arrest. Ark. Stat. Ann. sec. 80-1511 (1980). All persons violating the compulsory education law are subject to a fine not to exceed $10.00 per offense. Ark. Stat. Ann. sec. 80-1508 (1980).

CALIFORNIA

Yes. Parents are liable for a fine of not more than $100, for the first offense, and not more than $250 for subsequent offenses. The court may order an alternative to the fine, placing the parent in an education and counseling program. Cal. Educ. Code sec. 48293 (West Supp. 1983). For violations of requirements imposed on 16 and 17 year olds, the fine is up to $25 or up to five days in jail, on the first offense; fines of $25 to $250 and/or five to 25 days in jail for subsequent offenses. Cal. Educ. Code sec. 48454 (West 1978).

COLORADO

Yes. A parent may be held in contempt of court if he refuses to obey a court order compelling a child's attendance, and may be confined in county jail until compliance. There are no fines. Colo. Rev. Stat. sec. 22-33-108(8) (1973).

CONNECTICUT

Yes. The maximum fine is $5.00, and each week's failure to comply is a separate offense. Conn. Gen. Stat. Ann. sec. 10-185 (West Supp. 1983).

DELAWARE

Yes. Any person having control of a school age child who violates the compulsory attendance requirement faces a minimum fine of $5 for a first offense, and a minimum fine of $25 and maximum fine of $50 for each subsequent offense. If a person defaults on payment of the fine, he may be imprisoned for not more than two days for the first offense, and a maximum of five days for each subsequent offense. Del. Code Ann. tit. 14, sec. 2709 (Supp. 1982).

DISTRICT OF COLUMBIA

Yes. "The parent . . . of any child between the ages of 7 and 16 years who is unlawfully absent from public or private school or private instruction shall be guilty of a misdemeanor, and upon conviction of failure to keep such child . . . regularly instructed . . . shall be punished by a fine of $10 or by commitment to jail for 5 days, or by both . . . ." D.C. Code sec. 31-407 (1981).

FLORIDA
Yes. "The parent who refuses or fails to have a child under his control to attend school regularly shall be guilty of a misdemeanor of the second degree, punishable as provided by law." Fla. Stat. Ann. sec. 232.19(6)(West Supp. 1983). However, a parent is not liable if the child is absent without the parent's knowledge, or the parent is unable financially to provide necessary clothes for the child and reports this to the superintendent (and the claim is found to be valid), or the child is sick or injured or the absence excused. Fla. Stat. Ann. sec. 232.09(1-3) (West Supp. 1983). Parents are obligated to report a child's absence as soon as they learn of it. If they do not, failure to report is "prima facie evidence" that the parent is guilty of a misdemeanor in the second degree. Fla. Stat. Ann. secs. 232.09, (West Supp. 1983) and 232.19(6)(a-c). A second degree misdemeanor subjects a violator to imprisonment for up to 60 days. Fla. Stat. Ann. sec. 775.082(4)(b) (West 1977).

GEORGIA
Yes. Any parent or guardian violating the compulsory attendance law "shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed $100 or imprisonment not to exceed 30 days, or both, at the discretion of the court having jurisdiction." S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690.1(b).

GUAM
Yes. "Any parent, guardian or other person having control or charge of any such child . . . who fails to comply with the provisions of this Section unless excused or exempted therefrom, is guilty of a violation for the first offense, and subject to a fine of not more than Fifty Dollars ($50). For each subsequent offense, he is guilty of a petty misdemeanor." Guam Code Ann. tit. 17, sec. 6102 (1982).

HAWAII
Yes. A parent is guilty of a petty misdemeanor for violation of the compulsory education law. Hawaii Rev. Stat. sec. 298-12 (Supp. 1982). A petty misdemeanor is punishable by $500 or up to 30 days in prison, or both. See Hawaii Rev. Stat. secs. 706-640, 706-641 and 706-663 (1976). "The department of education shall be

charged with the enforcement of [the penalty sections] . . . ." Hawaii Rev. Stat. sec. 298-13 (1976).

IDAHO

Yes. "Whenever it has been determined . . . that the parents or guardians of any child between the ages of seven (7) . . . and sixteen (16), are failing, neglecting or refusing to place the child in school . . . or to have the child comparably instructed . . . proceedings shall be brought against such parent or guardian under the provisions of the youth rehabilitation law." Idaho Code sec. 33-207 (1981). Under that act, "the constitution may impose conditions" upon any person encouraging a child to be truant. Idaho Code sec. 16-1817 (1979).

ILLINOIS

Yes. Any person having control or custody of a school-age child who willfully permits the child to be truant is guilty of a Class C misdemeanor, and faces not more than 30 days imprisonment and/or fine up to five hundred dollars. Ill. Ann. Stat. ch. 122, sec. 26-10 (Smith-Hurd Supp. 1983).

INDIANA

Yes. "It is unlawful for a parent to fail to ensure that his child attends school as required under this chapter." Ind. Code Ann. sec. 20-8.1-3-33 (Burns Supp. 1983).

"Any person who violates any provision of this chapter . . . is guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars, to which may be added imprisonment for not more than six months." Ind. Code Ann. sec. 20-8.1-3-37 (Burns 1980).

IOWA

Yes. "Any person who shall violate any of the provisions of the [compulsory education statute] shall be guilty of a simple misdemeanor." Iowa Code Ann. sec. 299.6 (West Supp. 1983). The sentence for a simple misdemeanor is up to 30 days in jail and/or $100.00. Iowa Code Ann. sec. 903.1 (West Supp. 1983). Also, the state board of regents may institute proceedings against the parent for failing to send a child to school. Iowa Code Ann. sec. 299.19 (West Supp. 1983).

KANSAS

No provision.

KENTUCKY

Yes. A parent who fails to comply may be "fined not more than $10.00 for first offense, and not more than $20.00 for each subsequent offense." Ky. Rev. Stat. Ann. sec. 159.990(1) (1980). *See also* Op. Att'y Gen. 73-846: The penalty for failure to comply with the compulsory education statutes can only be a fine, and no amount of jail detention is authorized by statute.

LOUISIANA

Yes. "Whoever violates the provisions of [the compulsory schooling requirement] . . . shall be fined not more than fifteen dollars. Each day the violation continues shall constitute a separate offense." La. Rev. Stat. Ann. sec. 17:221(A) (West 1982). A parent, tutor or other person causing absence for the purpose of participating in an unauthorized demonstration will be fined not more than $100 or jailed not more than 10 days. La. Rev. Stat. Ann. sec. 17:221.1 (West 1982).

MAINE

Yes. "Each of the following acts shall constitute a civil violation . . . [h]aving control of a student who is a habitual truant and being primarily responsible for that truancy; [i]nducing a student to violate [the compulsory education law]; [h]arboring or concealing a student who is in violation of [the compulsory education law]." Me. Rev. Stat. Ann. tit. 20-A, sec. 5053(1) (1983). Fines are as follows: For having control of a truant, "a forfeiture of not more than $200; for inducing a violation, or harboring or concealing a violator; a forfeiture of not less than $500. Me. Rev. Stat. Ann. tit. 20-A, sec. 5053(4) (1983).

MARYLAND

Yes. "Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50." Md. Educ. Code Ann. sec. 7-301(2) (1978).

MASSACHUSETTS

Yes. The maximum fine is $20. Mass. Gen. Laws ch. 76, sec. 2 (West 1982).

MICHIGAN
"A parent or other person in parental relation who fails to comply with [the compulsory education requirements of Michigan] is guilty of a misdemeanor, punishable by a fine of not less than $5.00 nor more than $50.00, or imprisonment for not less than 2 nor more than 90 days, or both." Mich. Comp. Laws Ann. sec. 380.1599 (West Supp. 1983).

MINNESOTA
Yes. "The district superintendent shall make and file a criminal complaint against persons neglecting or refusing to comply with the [compulsory education] law . . . a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanor . . . ." Minn. Stat. Ann. sec. 120.12(3) (West Supp. 1983). A misdemeaner carries a maximum fine of $700 and/or a maximum sentence of 90 days. Minn. Stat. Ann. sec. 609.02(3) (West Supp. 1983).

MISSISSIPPI
No. It is "the duty of the parent . . . to require said child to attend a school as provided herein and to supply, encourage and support said child in the required attendance," but no sanctions are provided. Miss. Code Ann. sec. 37-13-101 (Supp. 1982).

MISSOURI
Yes. "Any parent, guardian or other person having charge, control or custody of a child who violates [the compulsory education law] is guilty of a misdemeanor and punishable by a fine of not less than ten nor more than twenty-five dollars or by imprisonment in the county jail for not less than two nor more than ten days." Mo. Ann. Stat. sec. 167.061 (Vernon 1959).

MONTANA
Yes. Parents may be fined not less than $5 or more than $20. They may alternatively be required to give bond for up to $100, with sureties that the child will commence school attendance within two days. If the fine is not paid, or bond is not given, the person may be imprisoned for not less than 10 or not more than 30 days. Mont. Code Ann. sec. 20-5-106(2) (1983).

NEBRASKA

Yes. Any person violating the compulsory attendance law "shall be guilty of a Class III misdemeanor." Neb. Rev. Stat. sec. 79-216 (1982). A Class III misdemeanor carries a maximum penalty of 3 months imprisonment or $500 fine or both. Neb. Rev. Stat. sec. 28-106 (1982).

NEVADA

Yes. The parent violating compulsory attendance laws may be found guilty of a misdemeanor. Nev. Rev. Stat. sec. 392.210 (1979). "Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment . . . ." Nev. Rev. Stat. sec. 193.150 (1981).

NEW HAMPSHIRE

Yes. "Any person who does not comply with the requirements of this subdivision shall be guilty of a violation . . . ." N.H. Rev. Stat. Ann. sec. 193:7 (1977). The criminal code specifies that a person convicted of a violation may be sentenced to probation, conditional or unconditional discharge, or a fine. The maximum amount of fine is $100. N.H. Rev. Stat. Ann. secs. 651:2 (3),(4) (1974).

NEW JERSEY

Yes. Any person having charge or control of a child between ages six and 16, who fails to comply with the compulsory attendance law will be deemed a disorderly person and subject to a fine, not to exceed $25.00 for a first offense, and not to exceed $100.00 for each subsequent offense. N.J. Stat. Ann. sec. 18A:38-31 (West Supp. 1983).

NEW MEXICO

Yes. Any parent, or other person having custody of a child, who does not comply with the compulsory attendance law is guilty of a petty misdemeanor. N.M. Stat. Ann. sec. 22-12-7 (Supp. 1983). This involves a jail sentence of six months or less, and a fine of not more than $500, or both. N.M. Stat. Ann. sec. 31-19-1(B) (1978).

NEW YORK

Yes. Parents have a duty to cause their children to attend school. N.Y. Educ. Law sec. 3213.1 (McKinney 1981). A first offense subjects the individual to a maximum fine of $10.00 or 10 days imprisonment; and each subsequent offense, to a maximum fine of $50.00 or imprisonment or a maximum of 30 days, or both. N.Y. Educ. Law sec. 3233 (McKinney 1981). A referral to Family Court might well lead to a parent's loss of custody of the child.

NORTH CAROLINA
Yes. The parent violating the compulsory education laws is guilty of misdemeanor and upon conviction shall be fined not more than $50.00 or imprisoned not more than 30 days, or both, in the discretion of the court." N.C. Gen. Stat. sec. 115-380 (1983).

NORTH DAKOTA
Yes. "Any person failing to comply with the requirements of this chapter is guilty of an infraction." N.D. Cent. Code sec. 15-34.1-05 (1981). An infraction carries a maximum fine of $500. If a person has been convicted of two infractions in one year, the second infraction is treated as a class B misdemeanor which carries a maximum penalty of 30 days imprisonment, a fine of $500 or both. N.D. Cent. Code sec. 12.1-32-01 (Supp. 1983).

OHIO
Yes. "The court may require a person convicted of violating this division to give bond in the sum of one hundred dollars with sureties to the approval of the court, conditioned that he will cause the child under his charge to attend upon instruction as provided by law . . . ." Ohio Rev. Code Ann. sec. 3321.38 (Page 1980).

The fine is not less than $5.00 and no more than $20. If the parent refuses to pay, may be imprisoned not less than ten nor more than thirty days." Ohio Rev. Code Ann. sec. 3321.99 (Page 1980).

OKLAHOMA
Yes. Any parent, guardian, child or other person violating compulsory attendance laws will be guilty of a misdemeanor and upon conviction, punished by a fine of not less than $5.00 nor more than $25.00 for first offense, not less than $10.00 nor more than $50.00 for the second offense; and not less than $25.00 nor more than $100.00 for each subsequent offense. Okla. Stat. Ann. tit. 70, sec. 10-105(B) (West Supp. 1982).

OREGON

Yes. Following notice of noncompliance, parents can be found guilty of a misdemeanor. Or. Rev. Stat. sec. 339.090 (1981). They are liable for a fine up to $100.00, and/or imprisonment for up to three days. Or. Rev. Stat. sec. 339.990 (1981).

PENNSYLVANIA

Yes. Parents must pay a fine of $2 for the first offense, $5 for each succeeding offense and if in default of payment, must serve 5 days in the county jail. Each absence from school constitutes a separate violation. Pa. Stat. Ann. tit. 24, sec. 13-1333 (Purdon Supp. 1983).

PUERTO RICO

Yes. "Any parent or guardian wilfully responsible for the violation of any of the provisions of this section after notification by the teacher of the school or by the supervising principal for the municipality in which he or she resides shall be deemed guilty of a misdemeanor and upon conviction in any court shall for the first offense, be publicly reprimanded by the judicial officer before whom they are tried, and for the second offense shall be fined in an amount not to exceed five dollars, and for a third offense shall be fined in an amount not to exceed ten dollars . . . ." P.R. Laws Ann. tit. 18, sec. 80(g) (1974).

RHODE ISLAND

Yes. "[F]or every neglect of such duty the person having control of such child shall be fined not exceeding $20.00." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA

Yes. "Any parent or guardian who neglects to enroll his child or ward or refuses to make such child or ward attend school shall, upon conviction be fined not more than $50.00 or be imprisoned not more than 30 days; each day's absence shall constitute a separate offense; provided, the court may in its discretion suspend the sentence of anyone convicted of the provisions of this article." S.C. Code sec. 59-65-20 (1976).

SOUTH DAKOTA

Yes. Parents violating the compulsory attendance law shall be found guilty of a misdemeanor. The fine is not less than $10 or more than $50 for the first offense. For each subsequent offense a fine of not less than $25 or more than $100 and/or imprisonment for not more than 30 days is prescribed. S.D. Codified Laws Ann. sec. 13-27-11 (1982).

TENNESSEE
Yes. "Any parent, guardian, or other person who has control of a child, and who shall violate the [compulsory attendance law] . . . shall be guilty of a misdemeanor, subject to a fine of not less than $2.00 nor more than $10.00." Tenn. Code Ann. sec. 49-1723 (1977).

TEXAS
Yes. The parent is first warned in writing of the obligation to obey the compulsory education law. If the child is still not in school a complaint is filed by the attendance officer in county court. An offense is punishable by a fine not less than $5.00, nor more than $25.00 (1st offense); not less than $10.00 nor more than $50.00 (2nd offense); not less than $25.00 nor more than $100.00 for subsequent offenses. Each day the child is absent constitutes a separate offense. Tex. Educ. Code Ann. sec. 4.25 (Vernon 1972).

UTAH
Yes. "Any parent, guardian or other person having control of any minor coming within the foregoing provisions who willfully fails to comply with their requirements is guilty of a misdemeanor." Utah Code Ann. sec. 53-24-3 (1981). An unspecified misdemeanor is considered to be a class B misdemeanor, and involves imprisonment for a term not exceeding six months and a fine of up to $299. Utah code Ann. secs. 76-3-204 and 76-3-301 (1978).

VERMONT
Yes. There is a maximum fine of $1000. Vt. Stat. Ann. tit. 16, sec. 1127(a) (Supp. 1983).

VIRGINIA
Yes. Any person violating the compulsory education law shall be guilty of a Class 4 misdemeanor. Va. Code sec. 22.1-263 (1980). A class 4 misdemeanor involves a fine of not more than $100. Va. Code Ann. sec. 18.2-11(d) (1982).

VIRGIN ISLANDS

Yes. "Any parent or guardian who assists, abets or knowingly contributes to the truancy of any child under his or her care shall, upon conviction, be liable to a fine of not more than $25." V.I. Code Ann. tit. 17, sec. 86(d) (1976).

WASHINGTON
Yes. The parent may be found guilty of a misdemeaner and liable for a fine of up to $25.00 for each day of unexcused absence. A defense of reasonable diligence is available. The fine may be suspended if the parent participates in a supervised plan for the child's attendance, or attends conference(s) to analyze the child's absences. Wash. Rev. Code sec. 28A.27.100 (1982).

WEST VIRGINIA
Yes. A parent, or other person in legal or actual charge of a child, who fails to cause a child to attend school, after receiving due notice, is guilty of a misdemeanor, with a minimum fine of $5.00, and a maximum fine of $50.00, plus costs of prosecution. Such a person can be jailed for every day the child is out of school contrary to the statute, at a minimum for five days and a maximum of 20 days. Each day the child misses school is a separate offense. W. Va. Code sec. 18-8-2 (1984).

WISCONSIN
Yes. A violation incurs a fine of $5.00 to $50.00, or imprisonment of up to 3 months, or both, after evidence has been provided by the school attendance officer that the activities under sec. 118.16(5) have been completed. Wis. Stat. Ann. sec. 118.15(5) (West Supp. 1983).

WYOMING
Yes. If a parent willfully fails to comply with the compulsory schooling requirement s/he is guilty of a misdemeanor and subject to a fine of not less than $5, nor more than $25, or imprisonment in the county jail for not more than 10 days, or both. Wyo. Stat. sec. 21-4-105 (1977).

TABLE II(F)(2)

ARE CHILDREN SUBJECT TO SANCTIONS FOR FAILURE TO COMPLY WITH THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

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ALABAMA
A child may be declared truant and may be taken into custody. Ala. Code sec. 16-28-17 (1975).

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
Yes. The child may be declared delinquent. Ark. Stat. Ann. sec. 80-1512 (1980).

CALIFORNIA
Yes. The child may be declared truant. Cal. Educ. Code sec. 48260 (West 1978); Cal. Educ. Code sec. 48262 (West 1978) (habitual truant). After certain procedures and other requirements are followed including possible assignment to available community services, the matter is taken to juvenile court. Cal. Educ. Code sec. 48263 (West Supp. 1983).

COLORADO
Yes. A child who refuses to obey a court order to attend school may be held in contempt of court. Colo. Rev. Stat. sec. 22-33-108(7) (Supp. 1982).

CONNECTICUT
Yes. Children between the ages of seven and 16

"wandering about [a city or town's] streets or public places, having no lawful occupation and not attending school" are declared "habitual truants." The police "shall arrest all such children," and the maximum penalty for any one breach is $20.00. Conn. Gen. Stat. Ann. sec. 10-200 (West Supp. 1983).

DELAWARE
Yes. A child who is absent from school without a valid excuse for more than three days may be declared truant. Del. Code Ann. tit. 14, sec. 2706(b) (Supp. 1982).

Any pupil who is truant for more than three separate occasions during one school year may be expelled for the remainder of the school year. Del. Code Ann. tit. 14, sec. 2709(c) (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Yes. If a child is a "habitual truant" the child can be treated as a "dependent child." Fla. Stat. Ann. sec. 232.19(3) (West 1977).

GEORGIA
Yes. A child may be taken into temporary custody when deemed truant, and may then be adjudged delinquent or unruly. Ga. Code Ann. sec. 20-2-699 (1982); S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-698.

GUAM
Yes. A child may be declared truant if "found to be absent from school without a reasonable and bona fide excuse from a parent for more than three (3) days within any school year. Guam Code Ann. tit. 17, sec. 6104(3) (1982).

HAWAII
No provision.

IDAHO
Yes. A child may be declared a habitual truant if the parents "have failed or refused to cause such child to be instructed. . . ." Idaho Code sec. 33-206 (1981).

"The board of trustees may deny attendance at any of its schools by expulsion to any pupil who is an habitual truant . . . ." Idaho Code sec. 33-205 (1981).

ILLINOIS
Yes. Children may be declared truant. Ill. Ann. Stat. ch. 122 sec. 26-21. (Smith-Hurd Supp. 1983). No punitive action shall be taken against a habitual truant unless available services and other school resources have been provided to him. Ill. Ann. Stat. ch. 122, sec. 26-12 (Smith-Hurd Supp. 1983). Penal provisions of this law are aimed at individuals having custody or control of child, not at the child who refuses to attend school. In re Woods, 20 Ill. App. 3d 641, 314 N.E.2d 606 (1974).

INDIANA
Yes. "The superintendent or an attendance officer having jurisdiction may report a child who habitually absents himself from school in violation of this chapter to an intake officer of the juvenile court." Ind. Code Ann. sec. 20-8.1-3-31.1 (Burns Supp. 1983).

IOWA
Yes. A child may be declared truant and be placed in a special school or class. Iowa Code Ann. sec. 299.8-9 (West Supp. 1983). An incorrigible can be placed in such a school whether formerly attending a public or nonpublic school. Iowa Code Ann. sec. 299.13 (West Supp. 1983).

KANSAS
Yes. Under the juvenile code, a child who is truant is placed on probation in the care of parents or a juvenile officer, or is placed in a youth residential facility or committed to the secretary of social services. Kan. Stat. Ann. sec. 38-826(b) (1981).

KENTUCKY
Yes. A child may be declared truant. Ky. Rev. Stat. Ann. sec. 159.150 (Supp. 1982) See also Op. Att'y Gen. 73-769: No statute provides for committing a child to jail for truancy, but habitual truants are subject to juvenile jurisdiction of the district court. Ky. Rev. Stat. Ann. sec. 208A.030 (1980).

LOUISIANA

Yes. A child may be declared delinquent for habitual absence or tardiness. La. Rev. Stat. Ann. sec. 17:233 (West 1982).

MAINE
Yes. A student is a habitual truant if he is absent from school without excuse for the equivalent of 10 full days or for at least one-half of a day on seven consecutive days within any six month period. Me. Rev. Stat. Ann. tit. 20-A, secs. 5051(1)(A), (B) (1983).

MARYLAND
Yes. The juvenile court that has jurisdiction may commit a habitually truant child to any parental school for the city or county in which the child resides, but a child who is convicted of any offense other than truancy may not be committed to a parental school." Md. Educ. Code Ann. sec. 7-303(c) (1978).

MASSACHUSETTS
Yes. Where a child persistently and wilfully fails to attend school, a parent, police officer or attendance officer may petition the court for a determination that the "child is in need of services." Mass. Gen. Laws ch. 119, sec. 39E (West Supp. 1983). Illiterate minors between 16 and 18 years old, who have not completed the sixth grade and do not attend public evening school, shall be punished by a fine of not less than $5. Mass. Gen. Laws ch. 76, sec. 3 (West 1982).

MICHIGAN
Yes. Children may be declared juvenile disorderly persons and be classified as: 1) habitual truants, 2) children who attend school but who are "incorribibly turbulent," 3) children who do not attend school and "habitually frequent streets or other public places." Such children may be sent to ungraded schools for instruction. "Ungraded schools" are not defined. Mich. Comp. Laws Ann. sec. 380-1596 (West Supp. 1983).

MINNESOTA
Yes. "A board may maintain ungraded classes for the instruction of children . . . who are habitually truant or not in attendance. All such children shall be deemed delinquent and the board may compel their attendance at such ungraded classes . . . and cause them to be brought before the juvenile court of the county for appropriate discipline." Minn. Stat. Ann. sec. 120.15 (West Supp.

1983).

MISSISSIPPI
No provision.

MISSOURI
Yes. "Each attendance officer has the powers of a deputy sheriff [and] . . . may arrest, with warrant any truant, or nonattendants or other juvenile disorderly persons and place them in some school, or take them to their homes, or take them to any place of detention . . . ." Mo. Ann. Stat. sec. 167.071 (Vernon Supp. 1983).

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
Yes. The child may be declared truant. Nev. Rev. Stat. sec. 392.130 (1981).

NEW HAMPSHIRE
Yes. Districts may make by-laws concerning habitually truant children. "[F]ailure to comply with such by-laws shall constitute a violation for each offense. N.H. Rev. Stat. Ann. sec. 193:16 (1977).

NEW JERSEY
Yes. The child will be declared a juvenile delinquent. N.J. Stat. Ann. sec. 18A:38-27 (West 1968).

NEW MEXICO
Yes. The child will be reported to the children's court division of the district court and considered a "neglected child or a child in need of supervision . . . ." N.M. Stat. Ann. sec. 22-12-7.B (Supp. 1983).

NEW YORK
Yes. A child who is a habitual truant "is a school delinquent." School authorities may suspend or transfer the child. N.Y. Educ. Law sec. 3214.1 (McKinney 1981).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. "If the parent . . . upon complaint for a failure to cause the child to attend school or . . . class, proves inability to do so, then such parent . . . shall be discharged, and thereupon the attendance officer shall make complaint before the judge of the juvenile court of the country that the child is a delinquent child or dependent child . . . ." Ohio Rev. Code Ann. sec. 3321.22 (Page 1980).

OKLAHOMA
Yes. A child age 16 and over is liable for fines of $5 to $100, depending on the number of offenses. Okla. Stat. Ann. tit. 70, sec. 10-105 (A) & (B) (West Supp. 1982). Also, if a child is absent from school for fifteen days or more or parts of days within a four week period without a valid excuse, the attendance officer shall report the absenses to the district attorney for juvenile proceedings. Okla. Stat. Ann. tit. 70, sec. 10-106 (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA
Yes. A child may be arrested by the truant officer and the juvenile court may declare the child delinquent, truant, incorrigible, or insubordinate. Pa. Stat. Ann. tit. 24 secs. 13-1338, 13-1343 (Purdon 1962 and Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "[E]very child who wilfully and habitually absents himself from school . . . shall be deemed a wayward child." R.I. Gen. Laws sec. 16-19-6 (1981).

SOUTH CAROLINA
Yes. A court may declare a child delinquent if the reported absence occurred without knowledge, consent, or connivance of parent, or if the parent made a good faith effort to keep the child in school. S.C. Code sec. 59-65-70 (1976).

SOUTH DAKOTA
No provision.

TENNESSEE
Yes. A child who habitually and unlawfully absents himself may be reported to the appropriate county judge or juvenile judge, "to be dealt with in such a manner as the judge of said court may determine to be for the best interest of the child." Tenn. Code Ann. sec. 49-1726 (1977).

TEXAS
Yes. If any parent . . . can prove that he is unable to compel his child to attend school, he shall be exempt from the penalties provided in this section and his child may be proceeded against as a habitual truant and committed to a state juvenile training school or any other suitable school . . . ." Tex. Educ. Code Ann. sec. 4.25(b) (Vernon 1972).

UTAH
Yes. A child exhibiting truant behavior may be expelled or released from school if the child has reached the age of sixteen and the behavior fails to be corrected after earnest and persistent efforts are made on behalf of the parents or guardian and the school. If such efforts fail with respect to younger children, the juvenile court has jurisdiction over a child who is a habitual truant. Utah Code Ann. sec. 53-24-1.5 (1981).

VERMONT
School truant officers inquire into causes of pupil nonattendance; give notice and initiate criminal charges against those in control of the pupil. Vt. Stat. Ann. tit. 16, secs. 1125--1127 (1974 & Supp. 1983).

VIRGINIA
Yes. "Any child permitted by any parent, guardian or

other person having control . . . to be habitually absent from school . . . may be proceeded against as a child in need of services . . . ." Va. Code sec. 22.1-267 (1980).

VIRGIN ISLANDS
Yes. "Any child of compulsory school attendance age, when absent from school without giving an acceptable excuse to the principal of the school which he attends, may be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer . . . ." V.I. Code Ann. tit. 17, sec. 89 (1976).

WASHINGTON
Yes. After notice and a conference with parents, school officials may take the child's case to juvenile court. Wash. Rev. Code sec. 28A.27.040 (1982).

WEST VIRGINIA
No provision.

WISCONSIN
Yes. "In a prosecution under this subsection, if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under [the Children's Code]" Wis. Stat. Ann. sec. 118.15(5) (West Supp. 1983).

WYOMING
Yes. A child may be declared truant. Wyo. Stat. sec. 21-4-101(a)(ii) (1977).

TABLE II(F)(3)

ARE PUBLIC SCHOOL OFFICIALS SUBJECT TO SANCTIONS UNDER THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

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ALABAMA
No provision.

ALASKA
No provision. See Alaska Stat. secs. 14.30.030 and 14.030.020 (1982) requiring public and private school officials to investigate and report compulsory education violations.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
Implied. All persons violating the compulsory education law are subject to a fine not to exceed $10.00 per offense. Ark. Stat. Ann. sec. 80-1508 (1980).

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA

Yes. "Any parent, guardian, custodian, principal or teacher of a child . . . who willfully neglects or refuses to provide the information required under [the compulsory education statute] , or who knowingly makes any false or untrue statement, shall be guilty of a misdemeanor and or conviction shall be punished by a fine of $10 or by commitment to jail for 5 days, or by both . . . . " D.C. Code sec. 31-410 (1981).

FLORIDA
Yes. "The principal or teacher in charge of a school, public, private or parochial . . . who willfully violates any provisions of this chapter may . . . have his certificate revoked by the Department of Education." Fla. Stat. Ann. sec. 232.19(6)(b) (West 1977).

GEORGIA
Yes. Any person "failing to carry out the duties required by be guilty of a misdemeanor and upon conviction thereof, [the compulsory education law] . . . shall shall be punished by a fine not to exceed $100." S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-697(b) (1982).

GUAM
No provision.

HAWAII
No provision.

IDAHO
Implied. The youth rehabilitation law applies to any person encouraging a child to violate the law. "Any person who by act or neglect encourages or causes a child to come within purview of [the youth rehabilitation] act . . . shall be guilty of a misdemeanor." A misdemeanor is punishable by up to six months in county jail, or a fine of up to $300,00, or both. Idaho Code sec. 18-112 (Supp. 1983); Idaho Code sec. 16-1817 (1981).

ILLINOIS
Implied. "Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school for 3 consecutive school days, is guilty of a Class C

misdemeanor." Ill. Ann Stat. ch. 122, sec. 26-11 (Smith-Hurd Supp. 1983).

INDIANA

Yes. "It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution . . . to fail to ensure that a child under his authority attends school as required under this chapter." Ind. Code Ann. sec. 20-8.1-3-36 (Burns Supp. 1983). "A person who knowingly violated this chapter commits a class B misdemeanor." Ind. Code Ann. sec. 20-8.1-3-37 (Burns Supp. 1983). A class B misdemeanor carries a sentence of not more than 180 days of imprisonment, a fine of not more than $1000.00, or both. Ind. Code Ann. sec. 35-50-3-3 (Burns 1979).

IOWA

Yes. "Any person who shall violate any of the provisions of the [compulsory education statute] shall be guilty of a simple misdemeanor." Iowa Code Ann. sec. 299.6 (West Supp. 1983). Sentence for a simple misdemeanor is up to 30 days and/or $100.00. Iowa Code Ann. sec. 903.1 (West Supp. 1983).

KANSAS

No provision.

KENTUCKY

Yes. "[A]ny principal, teacher, director of pupil personnel, assistant director of pupil personnel or other school officer who wilfully fails to comply shall be fined not less than $25.00 nor more than $50.00. Upon conviction . . . a director of pupil personnel or assistant director of pupil personnel shall be removed from office and have his certificate revoked, and a principal, teacher or other school officer may have his certificate revoked." (Note, the director of pupil personnel investigates nonattendance). Ky. Rev. Stat. Ann. sec. 159.990(2) (1980).

LOUISIANA

Yes. A fine of $15 per day may be applied to to principals, or heads, and teachers of all schools, public, private, denominational, and parochial, for violation of compulsory school requirements. La. Rev. Stat. Ann. sec. 17:232 (West 1982).

MAINE
No provision. However, the local superintendent must report to the state the identities of habitual truants, correction efforts made, and account of actions brought. The state commissioner must submit report to the legislature. Me. Rev. Stat. Ann. tit. 20-A sec. 911(11) (1983).

MARYLAND
Yes. "Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50." Md. Educ. Code Ann. sec. 7-301(e)(2) (1978).

MASSACHUSETTS
Implied. "Whoever induces or attempts to induce a minor to absent himself unlawfully from school, or unlawfully employs him or harbors a minor who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than two hundred dollars." Mass. Gen. Laws ch. 76, sec. 4 (West 1982).

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
Yes. Teachers have a duty to report the truancy of any pupil to the district superintendent, principal or trustees. Mont. Code Ann. sec. 20-4-302(3) (1983).

The general penalty for violation of school laws is a fine not less than $20 or more than $200 or imprisonment in county jail for not less than 5 days or more than 30 days or both. Mont. Code Ann. sec. 20-1-207 (1983)

NEBRASKA

Yes. Any person violating the compulsory attendance law "shall be guilty of a Class III misdemeanor." Neb. Rev. Stat. sec. 79-216 (1982). A Class III misdemeanor carries a maximum penalty of 3 months imprisonment or $500 fine or both. Neb. Rev. Stat. sec. 28-106 (1982).

NEVADA

Implied. "Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor." Nev. Rev. sec. 392.220(1) (1979). "Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment . . . ." Nev. Rev. Stat. sec. 193.150 (1981).

NEW HAMPSHIRE

Implied. "Any person who does not comply with the requirements of this subdivision shall be guilty of a violation . . . ." The amount of the fine is not specified. N.H. Rev. Stat. Ann. sec. 193:7 (1977). The criminal code specifies that a person convicted of a violation may be sentenced to probation, conditional or unconditional discharge, or a fine. The maximum amount of fine is $100. The amount of the fine is not specified. N.H. Rev. Stat. Ann. secs. 651:2 (3),(4) (1974).

NEW JERSEY

No provision.

NEW MEXICO

Yes. Each local school board and each governing authority of a private school shall initiate enforcement of compulsory attendance laws . . . . any person failing his responsibility for initiating enforcement is guilty of a petty misdemeanor. N.M. Stat. Ann. sec. 22-12-7 (Supp. 1983).

NEW YORK

Yes. The commissioner of education can withhold one half of all public school moneys from any public school district which willfully refuses to enforce the compulsory attendance law. N.Y. Educ. Law sec. 3234(1) (McKinney 1981).

NORTH CAROLINA
Yes. Any "school official failing to carry out such instructions [from the state board of education regarding compulsory attendance] shall be guilty of a misdemeanor." N.C. Gen. Stat. sec. 115C-379 (1983).

NORTH DAKOTA
Yes. "Every school board member, school superintendent, principal, truant officer and teacher in any school system in this state and every county superintendent of schools shall be charged with the enforcement of . . . compulsory school attendance . . . . The state's attorney shall prosecute any person who violates the compulsory attendance provisions . . . ." N.D. Cent. Code sec. 15-34.1-04 (1981).

OHIO
No provision.

OKLAHOMA
Implied. Any parent, guardian, child or other person violating compulsory attendance laws will be guilty of a misdemeanor and upon conviction, punished by a fine of not less than $5.00 nor more than $25.00 for first offense, not less than $10.00 nor more than $50.00 for the second offense; and not less than $25.00 nor more than $100.00 for each subsequent offense. Okla. Stat. Ann. tit. 70, sec. 10-105(B) (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA
Yes. It is the duty of every principal or teacher of a public school to report the names of all children who are not enrolled or who are absent for three days without excuse. Pa. Stat. Ann. tit. 24, sec. 13-1354 (Purdon Supp. 1983).

The teacher or principal violating this provision is liable to pay a penalty not exceeding $25 and on default, may be jailed for 30 days. Pa. Stat. Ann. tit. 24, sec. 13-1355 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
Yes. The commissioner of education may withhold any or all state funds due any school district which refuses or neglects to to enforce the provisions of census and/or compulsory school attendance laws. Tenn. Code Ann. sec. 49-1739 (1977).

TEXAS
No provision.

UTAH
No provision.

VERMONT
Yes. A superintendant or truant officer may be fined up to $100.00 for failure to perform under the compulsory education law. The minimum fine is $5.00 and the maximum is $25.00 for teachers who violate the compulsory education law. Vt. Stat. Ann. tit. 16, sec. 1076 (1974).

VIRGINIA
No provision.

VIRGIN ISLANDS
Yes. "If a principal or teacher fails to submit any attendance register, record, or report required by the Commissioner of Education, the Commissioner may . . . cause the salary payments of such principal or teacher to be withheld." V.I. Code Ann. tit. 17, sec. 43 (1976).

WASHINGTON

Yes. The school must inform the parent or guardian of unexcused absences, schedule a conference, and take steps to reduce the absences. Wash. Rev. Code sec. 28A.27.020 (1982). Any district superintendent, teacher or attendance officer "who fails or refuses to perform their duties under the compulsory education law is guilty of a misdemeanor, and liable for a fine of $20.00 to $100.00. Wash. Rev. Code sec. 28A.27.102 (1982).

WEST VIRGINIA

Yes. Any county attendance director or other persons who have a duty to report unexcused absences (i.e. teachers or principals) who refuse or neglect to enforce the compulsory attendance law are guilty of a misdemeanor, and face a minimum fine of $5.00, and a maximum fine of $50.00 and imprisonment for a maximum of 30 days. In addition, the officer is subject to removal from office or position by the county board of education. W. Va. Code sec. 18-8-6 (1984).

WISCONSIN

Yes. "Any school district administrator, principal, teacher or school attendance officer who violates this section shall forfeit not less than $5 nor more than $25. " Wis. Stat. Ann. sec. 118.16(7) (West Supp. 1983).

WYOMING

No provision.

5

TABLE II(F)(4)

ARE PRIVATE SCHOOL OFFICIALS SUBJECT TO SANCTIONS UNDER THE STATE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE STATUTE? IF SO, WHAT ARE THE SANCTIONS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 11, 1984

ALABAMA
No provision.

ALASKA
No provision. See Alaska Stat. secs. 14.030.020 and 14.30.030 (1982) requiring public and private school officials to investigate and report compulsory education violations.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
Implied. All persons violating the compulsory education law are subject to a fine not to exceed $10.00 per offense. Ark. Stat. Ann. sec. 80-1508 (1980).

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA

Yes. "Any parent, guardian, custodian, principal or teacher of a child . . . who willfully neglects or refuses to provide the information required under [the compulsory education statute], or who knowingly makes any false or untrue statement, shall be guilty of a misdemeanor and or conviction shall be punished by a fine of $10 or by commitment to jail for 5 days, or by both . . . " D.C. Code sec. 31-410 (1981).

In all enforcement cases, the Family Division of the Superior Court has jurisdiction. D.C. Code sec. 31-413 (1981).

FLORIDA
Yes. "The principal or teacher in charge of a school, public, private or parochial . . . who willfully violates any provisions of this chapter may . . . have his certificate revoked by the Department of Education." Fla. Stat. Ann. sec. 232.19(6)(b) (West 1977).

GEORGIA
No. See S.B. 504, signed into law May, 1984, to be codified as Ga. Code Ann. sec. 20-2-697(c) (1982).

GUAM
No provision.

HAWAII
No provision.

IDAHO
Implied. The youth rehabilitation law applies to any person encouraging a child to violate the law. "Any person who by act or neglect encourages or causes a child to come within purview of [the youth rehabilitation] act . . . shall be guilty of a misdemeanor." A misdemeanor is punishable by up to six months in county jail, or a fine of up to $300,00, or both. Idaho Code sec. 18-112 (Supp. 1983); Idaho Code sec. 16-1817 (1981).

ILLINOIS
Implied. "Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school for 3 consecutive school days, is guilty of a Class C

misdemeanor." Ill. Ann. Stat. ch. 122, sec. 26-11 (Smith-Hurd Supp. 1983).

INDIANA

Yes. "It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution . . . to fail to ensure that a child under his authority attends school as required under this chapter." Ind. Code Ann. sec. 20-8.1-3-36 (Burns Supp. 1983). "A person who knowingly violated this chapter commits a class B misdemeanor." Ind. Code Ann. sec. 20-8.1-3-37 (Burns Supp. 1983). A class B misdemeanor carries a sentence of not more than 180 days of imprisonment, a fine of not more than $1000.00, or both. Ind. Code Ann. sec. 35-50-3-3 (Burns 1979).

IOWA

Yes. "Any person who shall violate any of the provisions of the [compulsory education statute] shall be guilty of a simple misdemeanor." Iowa Code Ann. sec. 299.6 (West Supp. 1983). Sentence for a simple misdemeanor is up to 30 days and/or $100.00. Iowa Code Ann. sec. 903.1 (West Supp. 1983).

KANSAS

No provision.

KENTUCKY

Yes. "[A]ny person other than above who fails to comply . . . [with compulsory attendance laws] shall be fined not less than $50.00 nor more than $200.00, or imprisoned in the county jail for not more than 60 days, or both." Ky. Rev. Stat. Ann. sec. 159.990(3) (1980).

LOUISIANA

Yes. A fine of $15 per day may be applied to to principals, or heads, and teachers of all schools, public, private, denominational, and parochial, for violation of compulsory school requirements. La. Rev. Stat. Ann. sec. 17:232 (West 1982). But, this does not apply to schools which receive no local, state or federal funds. La. Rev. Stat. Ann. sec. 17:232(c) (West Supp. 1983).

MAINE

No provision. However, "children shall be credited with attendance at a private school only if a certificate showing their names, residence and attendance at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the children reside." Me. Rev. Stat. Ann. tit. 20-A sec. 5001(E) (1983).

MARYLAND
Implied. "Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50." Md. Educ. Code Ann. sec. 7-301(e)(2) (1978).

MASSACHUSETTS
Implied. "Whoever induces or attempts to induce a minor to absent himself unlawfully from school, or unlawfully employs him or harbors a minor who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than two hundred dollars." Mass. Gen. Laws ch. 76, sec. 4 (West 1982).

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
Implied. Teachers have a duty to report cases of truancy. Mont. Code Ann. sec. 20-4-302(3) (1983).

The general penalty for violation of school laws is a fine not less than $20 or more than $200 or imprisonment in county jail for not less than 5 days or more than 30 days or both. Mont. Code Ann. sec. 20-1-207 (1983)

NEBRASKA
Yes. Any person violating the compulsory attendance law "shall be guilty of a Class III misdemeanor." Neb. Rev.

Stat. sec. 79-216 (1982). A Class III misdemeanor carries a maximum penalty of 3 months imprisonment or $500 fine or both. Neb. Rev. Stat. sec. 28-106 (1982).

NEVADA
Implied. "Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor." Nev. Rev. sec. 392.220(1) (1979). "Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment . . . ." Nev. Rev. Stat. sec. 193.150 (1981).

NEW HAMPSHIRE
Implied. "Any person who does not comply with the requirements of this subdivision shall be guilty of a violation . . . ." The amount of the fine is not specified. N.H. Rev. Stat. Ann. sec. 193:7 (1977). The criminal code specifies that a person convicted of a violation may be sentenced to probation, conditional or unconditional discharge, or a fine. The maximum amount of fine is $100. The amount of the fine is not specified. N.H. Rev. Stat. Ann. secs. 651:2 (3),(4) (1974).

NEW JERSEY
No provision.

NEW MEXICO
Yes. Each local school board and each governing authority of a private school shall initiate enforcement of compulsory attendance laws . . . . any person failing his responsibility for initiating enforcement is guilty of a petty misdemeanor. N.M. Stat. Ann. sec. 22-12-7 (Supp. 1983).

NEW YORK
No. However, any person who knowingly makes a false statement as to any matter required under the compulsory attendance law is guilty of a misdemeanor, punishable by a maximum fine of $100 for the first offense; a fine of from $100 to $500 for the second offense, imprisonment for a maximum of 30 days, or both; and a minimum fine of $300, imprisonment for 60 days, or both, for a subsequent offenses. N.Y. Educ. Law sec. 3233 (McKinney

1981).

NORTH CAROLINA
Implied. Any "school official failing to carry out such instructions [from the state board of education regarding compulsory attendance] shall be guilty of a misdemeanor." N.C. Gen. Stat. sec. 115C-379 (1983).

NORTH DAKOTA
Implied. "Every school board member, school superintendent, principal, truant officer and teacher in any school system in this state and every county superintendent of schools shall be charged with the enforcement of . . . compulsory school attendance . . . . The state's attorney shall prosecute any person who violates the compulsory attendance provisions . . . ." N.D. Cent. Code sec. 15-34.1-04 (1981).

OHIO
No provision.

OKLAHOMA
Implied. Any parent, guardian, child or other person violating compulsory attendance laws will be guilty of a misdemeanor and upon conviction, punished by a fine of not less than $5.00 nor more than $25.00 for first offense, not less than $10.00 nor more than $50.00 for the second offense; and not less than $25.00 nor more than $100.00 for each subsequent offense. Okla. Stat. Ann. tit. 70, sec. 10-105(B) (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA
Yes. Any person, "at any place where any children of compulsory school age is engaged, who refuses to permit, or in any way interfers with, the entrance therein of the attendance officer . . . shall on summary conviction thereof, be sentenced to pay a fine of not less than five dollars or more than twenty-five dollars, and in default thereof he may be sentenced to imprisonment not exceeding thirty days." Pa. Stat. Ann. tit. 24, sec. 13-1345 (Purdon Supp. 1983).

Any private school official who violates the licensing provisions or any of the regulations or standards of instruction shall be subject to a fine of not less than $50, nor more than $500, or imprisonment for not more than one year, or both. However, schools operated by a bone fide religious organizations are exempt from this requirement. Pa. Stat. Ann. tit. 24, secs. 2732, 2743 (Purdon 1962).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
Yes. The "school" must inform the parent or guardian of unexcused absences, schedule a conference, and take steps to reduce the absences. Any district superintendent, teacher or attendance officer "who fails

or refuses to perform their duties under the compulsory education law is guilty of a misdemeanor, and liable for a fine of $20.00 to $100.00. Wash. Rev. Code sec. 28A.27.102 (1982).

WEST VIRGINIA
No provision.

WISCONSIN
Yes. "Any school district administrator, principal, teacher or school attendance officer who violates this section shall forfeit not less than $5 nor more than $25." Wis. Stat. Ann. sec. 118.16(7) (West Supp. 1983).

WYOMING
No provision.

TABLE III(A)

DO STATE STATUTES PROVIDE FOR ACCREDITATION OF PRIVATE ELEMENTARY AND SECONDARY SCHOOLS? IF SO, IS IT MANDATORY OR VOLUNTARY?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 11, 1984

ALABAMA
Voluntary. Accreditation of proprietary schools can be by any accrediting agency recognized by the United States Department of Education, the Council on Postsecondary Accreditations, or the Alabama State Department of Education. Ala. Code sec. 16-46-3(9) (Supp. 1982). Accreditation is not contemplated for nonproprietary schools.

ALASKA
Voluntary. The department shall "accredit private schools which request accreditation and which meet accreditation standards prescribed by regulation by the department; nothing in this paragraph authorizes the department to require religious or other private schools to be licensed . . . ." HCS-CSB-354(Rls) (March 8, 1984) to be codified as Alaska Stat. sec. 14.07.020(10).

AMERICAN SAMOA
Mandatory. Private schools are annually issued a certificate of authorization after inspection of the school. Am. Samoa Code Ann. sec. 16.0701(b) (1983).

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
Voluntary. The state board has the power: . . . To appraise for the purpose of accreditation any nonpublic school, but only upon its request . . . ." Colo. Rev.

Stat. sec. 22-2-107(g) (1973).

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No. "It is the intent of the Legislature not to . . . accredit nonpublic educational institutions . . . but to create a data base where current information" about these schools can be gathered and disseminated to the public. Fla. Stat. Ann. sec. 229.808(7) West Supp. 1983).

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
Mandatory. "The state board shall establish standards for accreditation of any secondary school and set forth minimum requirements to be met by public, private and parochial secondary schools . . . ." Idaho Code sec. 33-119 (1981).

ILLINOIS
No provision.

INDIANA
Voluntary. "The state board of education shall establish standards governing the accreditation of public schools. Nonpublic schools may also request the inspection for classification purposes should they

desire it." Ind. Code Ann. sec. 20-1-1-6(f) (Burns Supp. 1983). However, the compulsory attendance requirement is met if a school"is open to inspection by the state attendance office, local attendance offices, and school officials." Ind. Code Ann. sec. 20-8.1-3-17 (Burns Supp. 1983).

IOWA
No provision.

KANSAS
Voluntary. "[T]he state board of education shall . . . accredit schools including elementary, secondary and community colleges, public and non-public . . . " Kan. Stat. Ann. sec. 72-7513 sec. A(3) (1980). Note ths does not impose a requirement of accreditation.

KENTUCKY
Yes. Accreditation is voluntary under Ky. Rev. Stat. Ann. sec. 156.160(2) (1980).

LOUISIANA
No provision.

MAINE
Voluntary. An approved school may apply for recognition as an accredited school the the commissioner. Me. Rev. Stat. Ann. tit. 20-A secs. 916, 1281(9) (1983);

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Mandatory. "The superintendent of public instruction is hereby given supervision of all private, denominational and parochial schools of this state . . . . It is the intent of this act that the sanitary conditions of such schools, the courses of study therein, and the qualifications of the teachers thereof shall be the same standard as provided by the general school laws of the state." Mich. Comp. Laws Ann. sec. 388.551 (West 1976).

MINNESOTA
No provision.

MISSISSIPPI
Voluntary. Private schools may request accreditation through the state board of education, but such accreditation is not required. Miss. Code Ann. sec. 37-17-7 (1972).

MISSOURI
No provision.

MONTANA
Voluntary. Nonpublic schools may request that the board of public education accredit the school. Mont. Code Ann. sec. 20-7-102 (1983).

NEBRASKA
Voluntary. For schools seeking accreditation, the State board of education is to "establish rules and regulations based . . . upon the program of studies, guidance services, the number and preparation of teachers in relation the the curriculum and enrollment, instructional materials . . . ." L.B. 928 and L.B. 994, both signed into law April 10, 1984, to be codified as Neb. Rev. Stat. sec. 79-328(5)(c). There are optional requirements for schools serving families with religious objections to state regulations.

NEVADA
Voluntary. Nev. Rev. Stat. sec. 394.241 (1979).

NEW HAMPSHIRE
No provision.

NEW JERSEY
No provision.

NEW MEXICO
Voluntary. One of the duties of the state board of education is to "assess and evaluate those private schools which desire state accreditation." N.M. Stat. Ann. secs. 22-2-2.F,J (1981).

NEW YORK
No provision.

NORTH CAROLINA
Mandatory. N.C. Gen. Stat. sec. 115C-556 (1983).

NORTH DAKOTA
Voluntary. "The superintendent of public instruction shall have the authority to adopt standards for the accreditation of the public and private schools of the state. Any public or private school which complies with such standards shall be deemed to be an accredited school." N.D. Cent. Code sec. 15-21-04.1 (1981).

OHIO
No provision.

OKLAHOMA
Voluntary. The State Board of Education may accredit and classify private and parochial schools "in like manner as public schools, if application is made to the [board] for such accrediting." Okla. Stat. Ann. tit. 70, sec. 3-104(10) (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
Mandatory. "Every license renewal granted by the Secretary of Education . . . shall be made in accordance with the standards of accreditation of institutions and programs in force at the time the license is granted, so that the authorization license shall be equivalent to a provisional license, and a renewal license to an accreditation under the applicable laws in force." P.R. Laws Ann. tit. 18, sec. 2101 (Supp. 1982).

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Mandatory. "All nonpublic kindergartens and nursery schools and all nonpublic instruction accepted in lieu of public school instruction shall meet minimum state accreditation standards and shall be approved by the superintendent of elementary and secondary education who shall exercise supervision over such schools and such instruction and shall exercise the right of visitation and inspection thereof." S.D. Codified Laws Ann. sec. 13-4-1 (1982).

TENNESSEE
Mandatory. A church related school means "a school operated by denominational, parochial or other bona fide church organizations, which are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, or the Tennessee Association of Non-Public Academic Schools." Tenn Code Ann. sec. 49-5201 (1977).

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Voluntary. "The Board [of Education] may provide for the accreditation of private elementary and secondary schools in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools . . . . Any such accreditation shall be at the request of the private school only." Va. Code sec. 22.1-19 (1980).

VIRGIN ISLANDS

Voluntary. "When requested the Commissioner of Education shall issue a certificate of accreditation to a parochial or private school if he finds that the building and equipment, and curriculum and teaching personnel of the school, have an efficiency substantially equal to that required in a public school of like grade. Any school having a certificate of accreditation shall display it in some conspicuous place in the school, as evidence of compliance with the requirements of the compulsory school attendance provisions of this title, and all other applicable provisions of law." V.I. Code Ann. tit. 17, sec. 192 (1976).

WASHINGTON
No provision. However regulations provide for voluntary accreditation. "The state board of education shall: Accredit, subject to such accredition standards and procedures as may be established by the state board of education, all schools that apply for accredition . . . ." Wash. Rev. Code sec. 28A.04.120(4)(1983). See Wash. Admin. Code Ch. 180-55-005 -- 180-55-135 (1982) for accreditation standards.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE III(B)

DO STATE STATUTES REQUIRE ANY FORM OF APPROVAL OF PRIVATE SCHOOLS? IF SO, IS IT MANDATORY OR VOLUNTARY?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
Mandatory. Private schools "[i]ncludes only such schools as hold a certificate issued by the state superintendent of education. . . ." Ala. Code sec. 16-28-1 (Supp. 1982). However, church schools are exempt from regulation. Ala. Code sec. 16-28-3 (Supp. 1983).

ALASKA
No provision.

AMERICAN SAMOA
Mandatory. The department of education must approve all private schools. Am. Samoa Code Ann. sec. 16.0701 (1983).

ARIZONA
No provision.

ARKANSAS
No provision. However, approval for preschools are required. "In the event a privately controlled and operated program for children of less than six years of age is conducted in the state, such program may secure approval by the Department of Education by meeting the standards and regulations adopted by the Board. In any event such programs may operate as private institutions but may not receive state approval without having met minimum standards, criteria, and regulations adopted by the Board and shall not receive tax monies." Ark. Rev. Stat. Ann. sec. 80-1653 (1980).

CALIFORNIA
No provision.

COLORADO

No. Under Colorado law the state board has no jurisdiction over the "internal affairs of any nonstate or parochial school" in the state, except for the attendance requirement and basic education requirements. H.B. No. 1346, signed June 3, 1983 (to be codified as Colo. Rev. Stat. sec. 22-33-110).

CONNECTICUT

No. However, the state board has power to examine and approve private high schools where there is no public high school in a town, for the purpose of authorizing payment of a pupil's tuition at such a school, so long as it is not "under ecclesiastical control." Conn. Gen. Stat. Ann. sec. 10-34 (West 1958).

DELAWARE

Mandatory. The superintendent of school districts, and an individual designated by the State Board of Education, must approve the program of instruction. Del. Code Ann. tit. 14, sec. 2703 (1981 & Supp. 1982).

"The written certificate of a principal, teacher or school board, or other person or persons in charge of a private school shall be satisfactory evidence to the superintendent . . . or to the official designated by the State Board that a child is receiving regular and thorough instruction as required by this section." Del. Code Ann. tit. 14, sec 1703(b) (1981).

DISTRICT OF COLUMBIA

Mandatory. Instruction must be "deemed equivalent by the Board of Education to the instruction given in the public schools." D.C. Code sec. 31-401 (1981).

FLORIDA

No. "It is the intent of the Legislature not to regulate, control, approve or accredit nonpublic educational institutions, but to create a data base where current information" may be gathered and disseminated to the public.
Fla. Stat. Ann. sec. 229.808(7) (West Supp. 1983).

GEORGIA

No provision.

GUAM
No provision.

HAWAII
Mandatory. In order to establish a private school, an application to the department of education stating the names of the persons desiring to establish the school, the location, and the course of instruction and the language in which the instruction is to be given.
If approved, the department shall issue a permit to operate the school. Hawaii Rev. Stat. sec. 298.6 (1976).

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Voluntary. Although the state board is required to establish "standards for approving" public and nonpublic schools, a nonpublic school is not required to obtain approval. Iowa Code Ann. sec. 257.25 (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
Voluntary. "Any private, parochial, or church school may comply with . . . standards established by the state board of education and be certified . . . ." H.B. No. 76, signed into law March 9, 1984, to be codified as Ky. Rev. Stat. Ann. sec. 156.160(2).

LOUISIANA
Voluntary. Private schools may be approved by the state board of education. The school must meet and maintain a sustained curriculum or specialized course of study of a quality at least equal to that prescribed for similar public schools to be an approved private school. La.

Rev. Stat. sec. 17:11 (West 1982).

MAINE
Voluntary. "A private school may operate as an approved private school by meeting the requirements of compulsory school attendance if it: [m]eets the standards for hygiene and safety . . . and [i]s either: [c]urrently accredited by the New England Association of Colleges and Secondary Schools', or [m]eets the department's requirements for approval for attendance purposes." Me. Rev. Stat. Ann. tit. 20-A, sec. 2901 (1983).

MARYLAND
Mandatory. "With the advice of the State Superintendent, the State Board shall establish minimum requirements for issuing certificates and diplomas by public and private noncollegiate educational institutions in this state. A noncollegiate educational institution may not operate in this State without a certificate of approval from the State Board. The State Board shall issue a certificate of approval to a noncollegiate educational institution if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for: (i) The purposes of the institution; (ii) The programs, training, and courses to be taught by the institution; and (iii) The certificates and diplomas to be issued by it." However, "[t]his subsection does not apply to an institution operated by a bona fide church organization, including the Amish and Mennonite church parochial schools. However, an institution that does not have a certificate of approval from the State Board may not receive State funds . . . ." Md. Educ. Code Ann. sec. 2-206 (Supp. 1983).

MASSACHUSETTS
Mandatory. The compulsory education law requires that children attend public school "or some other day school approved the school committee." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
Mandatory. As in public schools, standards are set by the district but subject to authorization by the superintendent of public instruction. Mich. Comp. Laws Ann. sec. 388.555 (West Supp. 1983). The superintendent of public instruction has the power to "investigate and examine" any nonpublic school. Mich. Comp. Laws Ann. sec. 388.555 (West 1976). Also, "[s]pecial education

personnel shall meet the qualifications and requirements of the rules promulgated by the state board." Mich. Comp. Laws Ann. sec. 380.1703 (West Supp. 1983).

MINNESOTA

No provision.

MISSISSIPPI

No. Nothing in the compulsory attendance law "shall ever be construed to grant, by implication or otherwise, to the State of Mississippi . . . any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and said sections shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school." Miss. Code Ann. sec. 37-13-99 (Supp. 1982).

MISSOURI

No provision.

MONTANA

No provision. Nonpublic schools must "provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program . . . ." Mont. Code Ann. sec. 20-5-109(4) (1983).

NEBRASKA

Voluntary. Those schools that choose accreditation and approval must undergo inspection by the county or local superintendent of schools, at least twice a year. Neb. Rev. Stat. sec. 79-1247-02 (1976). The state board of education is to "establish rules and regulations based upon the program of studies, guidance services, the number and preparation of teachers in relation the the curriculum and enrollment, instructional materials . . . ." Neb. Rev. Stat. sec. 79-328(5)(c) (1982).

Schools have an option of having parents submit a statement to the effect that the approval and acreditation requirements violate their sincerely held religious beliefs. L.B. 928, secs. 2 and 3, and L.B. 994, sec. 6, both signed into law April 10, 1984, The state board of education is to "establish rules and regulations based upon the program of studies, guidance services, the number and preparation of teachers in relation the the curriculum and enrollment, instructional materials . . . ." Neb. Rev. Stat. sec. 79-328(5)(c) (1982).

Schools have fewer requirements to meet if all parents submit a statement to the effect that the approval and acreditation requirements violate their sincerely held religious beliefs. L.B. 928, secs. 2 and 3, and L.B. 994, sec. 6, both signed into law April 10, 1984, and to be codified as Neb. Rev. Stat. secs. 79-328(5) and 79-1701(2). Where this option is exercised a representative of the parents must submit to the state commission the information needed to show that certain requirements are met. These relate to health, fire and safety standards, reporting of attendance, and maintenance of a sequential program of instruction. L.B. 928, sec. 3, signed into law April 10, 1984, sec. 3, to be codified as Neb. Rev. Stat. sec. 79-1701(2). These schools must offer "a program of instruction leading to the acquisition of basic skills" in specific subjects. The state board may make rules and regulations to assure this goal, and may provide for student testing. L.B. 928, sec. 2, and L.B. 994, sec. 6, signed into law April 10, 1984, to be codified as Neb. Rev. Stat. sec. 79-328(5)(c).

NEVADA

Mandatory. A license to operate is required, implying some form of approval. Nev. Rev. Stat. sec. 394.251 (1979).

NEW HAMPSHIRE

Mandatory. In order to satisfy compulsory attendance laws, a high school must be approved by the State Board of Education, must offer instruction in history, government and the constitutions of the U.S. and New Hampshire and other courses generally required, as determined by the state board of education and the local school board. The state board will publish annually a list of all approved high schools. N.H. Rev. Stat. Ann. secs. 194:23, 23-b (1977). The state board, through the Commissioner of Education acting as the executive officer of the board "shall establish reasonable criteria for approving nonpublic schools for the purpose of compulsory attendance requirements, and upon request designate such schools which meet those criteria. In addition, the board may upon the request of a nonpublic school approve or disapprove its education program and curriculum." N.H. Rev. Stat. Ann. sec. 186:11 (XXIX) (1977).

NEW JERSEY
Mandatory. A "certificate of approval" by the commissioner of education is required but only for schools not operated by charitable or religious organizations. N.J. Stat. Ann. sec. 18A:69-2 (West 1968).

NEW MEXICO
Voluntary. However, free use of instructional materials is available only to state approved private schools. N.M. Stat. Ann. sec. 22-15-7 (1978).

NEW YORK
No mandatory approval. Registration was required every two years, except for schools run by "an established religious group," until this statute was declared unconstitutional in Packer Collegiate Institute v. University of State of New York, 298 New York 184 (1948).

NORTH CAROLINA
No provision.

NORTH DAKOTA
Mandatory. No [parochial or private] school shall be approved unless the teachers therein are legally certified . . . , the subjects offered are in accordance with [state board requirements], and such school is in compliance with all municipal and state health, fire, and safety laws." N.D. Cent. Code sec. 15-34.1-03(1) (1981).

OHIO
Mandatory. Under the compulsory education law, "[i]f any child attends upon instruction elsewhere than in a public school such instruction shall be in a school which conforms to the minimum standards prescribed by the state board of education." Ohio Rev. Code Ann. sec. 3321.07 (Page 1980).

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
Mandatory. Under the compulsory education law, "[t]he certificate of any principal or teacher of a private school, in which the subjects and activities prescribed by the standards of the State Board of Education . . . setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence" of compliance with the compulsory education law. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
Mandatory. "The standards that may be established [by the Secretary of Education] . . . shall include those minimum requirements of physical plant academic preparation of the directing and teaching personnel, related library and laboratory services, curriculum, and economic support capacity that guarantee the continuity of the teaching, the protection of health, the safety of the pupils, and the fulfillment of the commitments made by the institution, as provided by the regulations of the agencies concerned. Such standards shall in no way impair the right of parents to send their children to the schools of their choice." P.R. Laws Ann. tit. 18, sec. 2103 (Supp. 1982).

RHODE ISLAND
Mandatory. Under the compulsory education law, private day schools must be "approved by the school committee of the city or town where said private school is located." R.I. Gen. Laws sec. 16-19-2 (1981).

SOUTH CAROLINA
Voluntary. Private schools must have been "approved by the State Board of Education or a member of the South arolina Independent Schools Association or some similar gorganization, or a parochial or denominational schools . . . ."

SOUTH DAKOTA
Mandatory. "All nonpublic kindergartens and nursery schools and all nonpublic instruction accepted in lieu of public school instruction . . . shall be approved by the superintendent of elementary and secondary education . . . ." S.D. Codified Laws Ann. sec. 13-4-1 (1982).

TENNESSEE
Voluntary. The commissioner's duty is to "inspect, approve and classify such private schools of grades one through twelve . . . as shall request such inspection, approval, and classification . . . ." Tenn. Code Ann. sec. 49-105(19) (1977).

TEXAS
Voluntary for church schools, mandatory for all other private schools. Proprietary schools must apply for a certificate of approval, but nonprofit schools operated "by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation" are not required to obtain such approval. Tex. Educ. Code Ann. sec. 32.24 (Vernon Supp. 1982).

UTAH
No provision.

VERMONT
Voluntary. "On application, the state board shall approve a private school . . . ." Vt. Stat. Ann. tit. 16, sec. 166(a) (Supp. 1983).

VIRGINIA
No provision.

VIRGIN ISLANDS
Mandatory. "The Commissioner of Education shall at least once each year inspect each accredited school to ascertain whether its standards of efficiency are maintained." V.I. Code Ann. tit. 17, sec. 193 (1976).

WASHINGTON
Mandatory. Private schools must be "approved under regulations established by the state board of education . . . ." Wash. Rev. Code sec. 28A.27.010 (1982). See Wash. Admin. Code ch. 180-55-005 -- 180-55-135 (1982)

for approval standards.

WEST VIRGINIA
Voluntary. Schools may choose to be approved by the county boards of education. W. Va. Code sec. 18-8-1(A) (1984).

WISCONSIN
No. The Wisconsin Supreme Court has declared the compulsory education law void for vagueness, as applied to prosecutions involving attendance at private school, for failure to define the term "private school." State v. Popanz, DO. 81-1493-CR, Apr. 16, 1983.

WYOMING
Mandatory. Wyo. Stat. sec. 21-11-101 (1977). However, parochial schools are not included in this requirement. Wyo. Stat. sec. 21-11-106 (1977).

TABLE III(B)(1)

WHAT ARE THE MINIMUM NUMBER OF HOURS A PRIVATE SCHOOL MUST BE OPEN EACH DAY BEFORE PRIVATE SCHOOL ATTENDANCE SATISFIES THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW?

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ALABAMA
Six hours. Ala. Code sec. 16-1-1(1) (1975).

ALASKA
The child must receive an education "comparable" to that offered by the public schools. Alaska Stat. sec. 14.30.010(b)(1) (1982). Public schools must offer a minimum of four hours schooling per day for grades 1-4, five hours for grades 4-12. Alaska Stat. sec . 14.03.040 (1982).

AMERICAN SAMOA
No provision.

ARIZONA
Private and parochial schools must be in session "for the full time that the schools of the district are in session." Ariz. Rev. Stat. sec. 15-802(B)(2) (Supp. 1982).

ARKANSAS
Five hours. Ark. Stat. Ann. sec. 80-1602 (1980) (definition of school day).

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Attendance is to be for the "entire school term," and for public schools this is 5 net hours per day. Fla. Stat. Ann. secs. 232.01 and 228.041(13) (West Supp. 1983).

GEORGIA
Four and one-half hours. S.B. 504, signed into law May, 1984, *to be codified as* Ga. Code sec. 20-2-690(b)(3).

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision. However, the local board may "require attendance for the entire time when the schools are in session . . . ."

KANSAS
"[E]ach school day shall consist of not less than two and one-half hours for pupils [in kindergarten], six hours for pupils [in grades one though eleven] and five

hours for pupils in grade twelve." Kan. Stat. Ann. sec. 72-1106(2) (1980).

KENTUCKY
The child must attend for the "full term" of public school, which includes a 6 hour minimum a school day. Ky. Rev. Stat. Ann. sec. 159.010 and 158.060 (1980).

LOUISIANA
No provision.

MAINE
Yes. "A school may not be given basic approval for attendance, tuition or subsidy purposes unless . . . [i]t has a school day of sufficient length to allow the operation of its approved educational program. Me. Rev. Stat. Ann. tit. 20-A, sec. 2902(b)(B) (1983).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
In a subdivision of the code dealing with public schools, a school day is defined to have two hours per day for kindergarten; four hours, grades 1 through 3; and six, grades 4 through 12; or the equivalent. Mont. Code Ann. sec. 20-1-302 (1983).

NEBRASKA
The 1984 law sets 1032 instructional hours for K-8 and 1080 hours for high school grades. L.B. 994, sec. 3, signed into law April 10, 1984, to be codified as Neb. Rev. Stat. sec. 79-101(6). This is 5.9 and 6.2 hours per day, if the school year of 175 days is observed.

NEVADA
No provision.

NEW HAMPSHIRE
No provision.

NEW JERSEY
No specific Provision. However, the schools are required to be open "all the days and hours that the public schools are in session." N.J. Stat. Ann. sec. 18A: 38-26 (West 1968).

NEW MEXICO
No provision.

NEW YORK
Yes. If a minor subject to the compulsory attendance law "attends upon instruction elsewhere than at a public school, he shall attend for at least as many hours, and within the hours specified" for public schools. A minor required to attend full-time day instruction "may be permitted to attend for a shorter school day or for a shorter school year or for both" provided the instruction he receives is substantially equivalent in amount and quality to that offered in the public schools. N.Y. Educ. Law Section 3210(2)(a) and (d) (McKinney 1981).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
"The hours and term of attendance exacted shall be equivalent to the hours and term of attendance required of children in the public schools of the district."

Ohio Rev. Code Ann. sec. 3321.07 (Page 1980).

OKLAHOMA
The statute requires a private schools to be in session for the full term the local public schools are in session. Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982).

OREGON
Children must be in "attendance for a period equivalent to that required of children attending public schools." Or. Rev. Stat. sec. 339.030(2) (1981).

PENNSYLVANIA
The "child shall attend such school in their districts continuously through the [entire] term, during which the public schools . . . shall be in session . . . ." Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
"The period of attendance [must be] substantially equal to that required by law in public schools." R.I. Gen. Laws sec. 16-19-2 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
A child must be provided with instruction for a "like period of time as in the public schools." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Under the compulsory education law, school must be in session for "the same number of . . . hours per day as the public schools . . . ." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
No provision.

WASHINGTON
The child must attend a private school "for the same time" as public school sessions. Wash. Rev. Code sec. 28A.27.010 (1982). Kindergarten, 450 hours; grades 1-3, 2,700 hours; grades 4-6, 2,970 hours; grades 7-8, 1,980 hours; grades 9-12, 4,320 hours. Wash. Rev. Code secs. 28A.02.201, 28A.58.754 (1982).

WEST VIRGINIA
Private schools approved by the county boards of education shall be in session "for a time equal to the school term of the county for the year." W. Va. Code sec. 18-8-1(A) (1984).

Private schools not approved by the county boards of education must be in session an average of five hour daily. W. Va. Code sec. 18-28-2 (1984).

WISCONSIN
No provision.

WYOMING
Private schools shall be in session "the entire time that the public schools shall be in session in the district in which the pupil resides . . . ." Wyo. Stat. sec. 21-4-102(a) (1977).

TABLE III(B)(2)

WHAT ARE THE MINIMUM NUMBER OF DAYS A PRIVATE SCHOOL MUST BE OPEN IN A SCHOOL YEAR BEFORE PRIVATE SCHOOL ATTENDANCE SATISFIES THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW?

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ALABAMA

Not specified, except for children taught by private tutor, 140 days. Cf. Ala. Code sec. 16-28-5 (1975).

ALASKA

The child must receive an education "comparable" to that offered by the public schools. Alaska Stat. sec. 14.30.010(b)(1) (1982). Public schools must offer 180 days of instruction. Alaska Stat. sec. 14.03.030 (1982).

A religious or other private school that elects to comply with [standardized testing requirements rather than teacher certification requirements] . . . shall operate . . . during at least 180 days of the year . . . ." HCS-CSSB 354(Rls)(March 8, 1984) to be codified as Alaska Stat. Sec. 14.45.110(b).

AMERICAN SAMOA

Private schools must be in session the same number of days as public schools though not necessarily in session on the same dates. Am. Samoa Code Ann. sec. 16.0702 (1983).

ARIZONA

Private and parochial schools must be in session "for the full time that the schools of the district are in session." Cf. Ariz. Rev. Stat. sec. 15-802(B)(2) (Supp. 1982).

ARKANSAS

150 days. Ark. Stat. Ann. sec. 80-1503 (1980).

CALIFORNIA

No provision.

COLORADO
172 days. H.B. 1346, signed June 3, 1983 (to be codified as Colo. Rev. Stat. sec. 22-33-104(2)(b)).

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Attendance is to be for the "entire school term," and for public schools this is 180 days. Fla. Stat. Ann. secs. 232.01 and 228.041(17) (West Supp. 1983).

GEORGIA
180 days. S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(b)(3).

GUAM
No provision.

HAWAII
No provision.

IDAHO
Private and parochial schools must be in session "during a period each year equal to that in which the public schools are in session . . . ." Idaho Code sec. 33-202 (1981).

ILLINOIS
No provision.

INDIANA
No provision.

IOWA

Instruction must be "equivalent" to that of public schools which require a minimum of 24 consecutive weeks per year. Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
180 days or 1,080 hours for pupils in grades 1-11. Kan. Stat. Ann. sec 72-1106 (1982).

KENTUCKY
The private school term "shall not be for a shorter period . . . than the term of the public school provided in the district . . . . In those school districts which are operating a year-round school program, the minimum term of private and parochial schools shall be one hundred eighty-five (185) days." Ky. Rev. Stat. Ann. sec. 158.080 (1980).

LOUISIANA
180 days. La. Rev. Stat. Ann. sec. 17:236 (West 1982).

MAINE
"Private schools approved for attendance purposes by the department . . . [f]or private secondary schools meet the requirements of a minimum school year [180 days, 175 days of which must be actual instruction days]."
Me. Rev. Stat. Ann. tit. 20-A, sec. 2902(6)(A) (1983).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
"The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled." Mich. Comp. Laws Ann. sec. 380.1561(1) (West Supp. 1983).

MINNESOTA
Yes. To comply with the compulsory education law, a nonpublic school must be in session "for at least 175 days or their equivalent . . . ." Minn. Stat. Ann. sec 120.10 (Subd. 2) (2) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
180 days or the equivalent. Mont. Code Ann. sec. 20-5-109 (1983).

NEBRASKA
175 days. Neb. Rev. Stat. sec. 79-201 (1982) (the school year unaffected by 1984 amendments).

NEVADA
No provision.

NEW HAMPSHIRE
No provision.

NEW JERSEY
No specific provision. However, the schools are required to be open "all the days and hours that the public schools are in session". N.J. Stat. Ann. sec. 18A: 38-26 (West 1968). This is 180 days mimimum, according to Atty. Gen. F.O. 1975, No. 19.

NEW MEXICO
Children must attend school for "at least the length of time of the school year that is established in the school district in which the person is a resident." N.M. Stat. Ann. sec. 22-12-2.B (Supp. 1983).

NEW YORK
180 days. However, a minor required to attend full-time day instruction "may be permitted to attend for a shorter school day or for a shorter school year or for both" provided the instruction he receives is substantially equivalent in amount and quality to that offered in the public schools. N.Y. Educ. Law secs. 3604, 3204(a), 3210(2)(d) (McKinney 1981).

NORTH CAROLINA

Private schools must operate "on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year." N.C. Gen. Stat. sec. 115C-548 (1983).

NORTH DAKOTA
180 days. N.D. Cent. Code sec. 15-47-33 (1981).

OHIO
"The . . . term of attendance exacted shall be equivalent to the . . . term of attendance required of children in the public schools of the district." Ohio Rev. Code Ann. sec. 3321.07 (Page 1980).

OKLAHOMA
The statute requires a private school to be in session for the full term the local public schools are in session. Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982).

OREGON
Children must be in "attendance for a period equivalent to that required of children attending public schools." Or. Rev. Stat. sec. 339.030(2) (1981).

PENNSYLVANIA
"[The] child shall attend such school in their districts continuously through the [entire] term, during which the public schools . . . shall be in session . . . ." Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
"[T]he period of attendance of the pupils in [private] schools or on such private instruction [must be] substantially equal to that required by law in public schools." R.I. Gen. Laws sec. 16-19-2 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA

A child must be provided with instruction for a "like period of time as in the public schools." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
175 days. "[C]hurch related schools shall be conducted for the same length of term as public schools." Tenn. Code Ann. sec. 49-5203 (1977). Public schools will be in session for a minimum of 175 days. Tenn. Code Ann. Sec. 49-1709 (1977).

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Private schools must be in session for "the same number of days . . . as the public schools . . . ." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
In schools other than public, "there shall be not more than ninety days' vacation in any one school year, Saturdays, Sundays and legal holidays excepted." V.I. Code Ann. tit. 17, sec. 63 (1976).

WASHINGTON
The child must attend a private school "for the same time" as public school sessions. Wash. Rev. Code secs. 28A.27.010, 28A.02.201 (1982). See also Wash. Rev. Code sec. 28A.01.025 (1982).

WEST VIRGINIA
Private schools approved by the county boards of education shall be in session "for a time equal to the school term of the county for the year." W. Va. Code sec. 18-8-1(A) (1984).

Private schools not approved by the county boards of education must be in session at least 180 days. W. Va. Code sec. 18-28-2 (1984).

WISCONSIN
No provision.

WYOMING
Compulsory education extends to "the entire period that the public schools shall be in session," which is 175 days. Wyo. Stat. secs. 21-4-102(a) & 21-4-301 (1977).

TABLE III(B)(3)

DO STATE STATUTES SPECIFY SUBJECTS THAT MUST BE TAUGHT IN A PRIVATE SCHOOL? IF SO, WHAT SUBJECTS ARE REQUIRED?

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ALABAMA
Yes. "Instruction shall be offered in the several branches of study required to be taught in the public schools of this state." Ala. Code sec. 16-28-1(1)(a) (Supp. 1982).

ALASKA
No provision.

AMERICAN SAMOA
Yes. Curriculum must be approved by the Director of Education. Am. Samoa Code Ann. sec. 16.0704 (1983).

ARIZONA
No provision.

ARKANSAS
Yes. Private schools must teach American history in the primary grades. Ark. Stat. Ann. sec. 80-1613 (1980).

CALIFORNIA
Yes. The schools must teach the "course of study required in public schools." Cal. Educ. Code sec. 48222 (West 1978).

COLORADO
Yes. The compulsory attendance law requires students to receive a "basic academic education," including reading, writing, speaking, mathematics, history, civics, literature and science. H.B. No. 1346, signed June 3, 1983 (to be codified as Colo. Rev. Stat. 22-33-104(2)(b)). Courses on the Constitution of the United States are required. Colo. Rev. Stat. sec. 22-1-108 (1973). Teachers are to teach pupils "the proper respect of the flag of the United States . . . ." Colo. Rev. Stat. sec. 22-1-106 (1973).

CONNECTICUT
Yes. Courses are required in U.S. History, government and citizenship in all tax-exempt private schools. Conn. Gen. Stat. Ann. sec. 10-18 (West Supp. 1983).

DELAWARE
Yes. All public and private schools are required to give regular courses of instruction in the Constitution of the U.S., the constitution and government of Delaware, and the free enterprise system. Del. Code Ann. tit. 14, sec. 4103 (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
Yes. The institution must provide "a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science . . . ." S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(b)(4).

GUAM
No provision.

HAWAII
No provision.

IDAHO
Yes. "The state board shall prescribe the minimum courses to be taught in all elementary and secondary schools, public, private and parochial . . . ." Idaho code sec. 33-118 (1981).

ILLINOIS
No provision.

INDIANA
Yes. Private schools must provide instruction in the

constitutions of Indiana and the United States, American History, morals, safety and hygiene. Ind. Code Ann. secs. 20-10.1-4-1 through 20-10.1-4-6 (Burns Supp. 1983). Instruction in private schools must be "equivalent" to that of public schools. Ind. Code Ann. sec. 20-8.1-3-34 (Burns Supp. 1983).

IOWA

Yes. Iowa law require several subject areas to be taught, in both public and private schools, by grade level. In addition to the three "Rs" these include, "experiences designed to develop healthy emotional and social habits" in kindergarten; cultures of other peoples and nations, environmental awareness, characteristics of communicable diseases, for grades 1-6; health and physical education for grades 7 and 8; two years of a foreign language (although this may be waived annually if the school can show it had a course, and a certificated teacher, but no enrollment), fine arts and general consumer education for grades 9-12. On request of the school, the state board may waive requirements in grade 9-12, if it "deems that the request made is an essential part of a planned innovative curriculum project which the state board determines will adequately meet the educational needs and interest of the pupils and be broadly consistent with the intent of the [prescribed] educational program" Iowa Code Ann. secs. 257.25(3), (4) (West Supp. 1983). See also Iowa Code Ann. sec. 280.3 (West Supp. 1983).

KANSAS

Yes. "[E]very accredited elementary school shall teach reading, arithmetic, geography, spelling, English grammer and composition . . . ." Kan. Stat. Ann. sec. 72-1101 (1980). "All accredited high schools, public, private, or parochial, shall give a course of instruction concerning the government and institutions of the United States . . . ." Kan. Stat. Ann. sec. 72-1103 (1980).

KENTUCKY

Yes. A private school "shall offer instruction in the several branches of study consistent with KRS 156.445(2)." Ky. Rev. Stat. Ann. sec. 158.080 (1980). Private school "text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact that they may contain elements of religious philosophy." Ky. Rev. Stat. Ann. sec. 156.445(2) (1980).

LOUISIANA

Yes. The branches of spelling, reading, writing, drawing, arithmetic, geography, grammer, United States history, and health, including the evil effects of alcohol and narcotics, shall be taught in every elementary school." La. Rev. Stat. Ann. sec 17:154 (West 1982).

MAINE

Yes. Private schools must provide instruction in history and English. Me. Rev. Stat. Ann. tit. 20-A, sec 2902(3)-(4) (1983). Math, science and physical education are required courses by rule of the commissioner, authorized by Me. Rev. Stat. Ann. tit. 20-A sec. 2902(4) (1983).

MARYLAND

No provision.

MASSACHUSETTS

Yes. Local school committees shall approve a private school "when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town . . . . " Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN

Yes. The nonpublic school must teach "subjects comparable to those taught in public schools . . . ." Mich. Comp. Laws Ann. sec. 380.1561 (West Supp. 1983).

Courses in federal and state constitutions, histories and governments are required. Civics is required in the 12th grade. Mich. Comp. Laws Ann. sec. 380.1166 (West Supp. 1984).

MINNESOTA

Yes. The compulsory education law requires a school to be one "in which all the common branches are taught in the English language . . . ." Minn. Stat. Ann. sec. 120.10 (Subd. 2) (1) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
Yes. "Regular courses of instruction in the constitution of the United States and of the State of Missouri and in American history and institutions shall be given in all . . . private schools in the state . . . ." Mo. Ann. Stat. sec. 170.011 (Vernon 1959).

MONTANA
Yes. "The board of public education shall define and specify the basic instructional program for pupils in public schools," and the subjects specified must be included in the basic instructional program in private schools. Mont. Code Ann. secs. 20-7-111, 20-5-201(4) (1983). Also, Montana encourages nonpublic schools to follow state requirements on Indian studies. Mont. Code Ann. sec. 20-4-214 (1983)

NEBRASKA
Yes. Schools that must state approval must offer specific instruction. Schools serving parents who object to state regulation on religious grounds need only provide a program leading to acquisition of basic skills in language arts, mathematics, science, social studies and health. L.B. 928, sec. 2, and L.B. 994, sec. 6, signed into law April 10, 1984, to be codified as Neb. Rev. Stat. sec. 79-328(5)(c).

Other approved schools must meet the following rules:
(3) All grades of all public, private, denominational, and parochial schools, below the sixth grade, shall devote at least one hour per week to exercise or teaching periods for the following purpose:
(a) The recital of stories having to do with American history, or the deeds and exploits of American heroes.
(b) The singing of patriotic songs and the insistence that every pupil shall memorize the "Star Spangled Banner" and "America" and
(c) The development of reverence for the flag and instruction as to proper conduct in its presentation.
(4) In at least two of the three grades from the fifth grade to the eighth grade in all public, private, denominational, and parochial schools at least three periods per week shall be set aside to be devoted to the

teaching of American history from approved textbooks, taught in such a way as to make the course interesting and attractive, and to develop a love of country.

. . .

(6) Appropriate patriotic exercise suitable to the occasion shall be held under the direction of the school superintendent in every public, private, denominational, and parochial school on Lincoln's birthday, Washington's birthday, Flag day, Memorial Day, and Veterans Day, or on the day preceding or following such holiday, if the school is in session. Neb. Rev. Stat. sec. 79-213 (1982).

"Each teacher employed to give instruction in any public, private, denominational school in the State of Nebraska shall so arrange and present his instruction as to give special emphasis to common honesty, morality, courtesy, obediance to law, respect for the national flag, the Constitution of the United States, and the Constitution of the State of Nebraska, respect for parents and the home, the dignity and necessity of honest labor, and other lessons of a steadying influence which tend to promote and develop an upright and desireable citizenry." Neb. Rev. Stat. sec. 79-214 (1982).

NEVADA

Yes. "In order to secure uniform and standard work for pupils in private schools, . . . instruction in subjects required by law for pupils in public school shall be required of pupils receiving instruction in such private schools." Nev. Rev. Stat. sec. 394.130 (1979). "Instruction shall be given in the essentials of the constitution of the United States and the constitution of the state of Nevada including . . . the study of and devotion to American institutions and ideals." Nev. Rev. Stat. sec. 394.150 (1979).

NEW HAMPSHIRE

Yes. Private schools are required to offer history, government, the constitutions of the U.S. and New Hampshire, including the organization and operation of New Hampshire municipal, county, and state government and federal government. N.H. Rev. Stat. Ann. sec. 189:11 (1977).

NEW JERSEY

Yes. New Jersey requires private schools to offer courses in accident and fire prevention, and the Constitution of the United States. N.J. Stat. Ann.

secs. 18A:6-2, 6-3 (West 1968).

NEW MEXICO
No provision.

NEW YORK
Yes. Instruction given "elsewhere than at a public school shall be at least substantially equivalent to the instruction" given in public schools. N.Y. Educ. Law sec. 3204(2) (McKinney Supp. 1983).

Public school students must study arithmetic, reading, spelling, writing, the English language, geography, U.S. history, civics, hygiene, physical training, the history of New York and science. N.Y. Educ. Law sec. 3204(3) (McKinney 1981). Students must receive instruction in patriotism and citizenship, and in the history and meaning of the U.S. and New York constitutions, and the Declaration of Independence. N.Y. Educ. Law sec. 801 (McKinney 1969). Public school requirements further include physical education and health. N.Y. Educ. Law sec. 803 (McKinney 1969). Another section requires instruction in fire prevention, instruction in highway safety and traffic regulation, including bicycle safety, safety patrols for all schools. N.Y. Educ. Law sec. 806 (mcKinney Supp. 1983). Alcohol, drug, and tobacco abuse (Ed. L. 804). Arson and fire prevention. N.Y. Educ. Law sec. 808 (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
Yes. "No [private] school shall be approved unless . . . the subjects offered are in accordance with [state law]." N.D. Cent. Code sec. 15-34.1-03(1) (1981).

"The following subjects shall be taught in all . . . private schools . . . : spelling, reading, writing, arithmetic, language, English grammar, geography, United State history, civil government, nature study, and elements of agriculture. Physiology and hygiene shall also be taught . . . ." N.D. Cent. Code sec. 15-38-07 (1981).

"In all . . . private schools . . . regular courses of instruction in the Constitution of the United States shall be given . . . ." N.D. Cent. Code sec. 15-38-08 (1981).

OHIO
Yes. "Every school shall include . . . one year's course of study of American history. Every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitution of the United States and of Ohio." Ohio Rev. Code Ann. sec. 3313.60 (Page Supp. 1982).

OKLAHOMA
Yes. Private schools seeking accreditation (which is voluntary) must meet the standards set for the public schools. Okla. Stat. Ann. tit. 70, sec. 3-104(10) (West Supp. 1982).

OREGON
Yes. Instruction is required in the United States Constitution and United States history, for grades 8-12. Or. Rev. Stat. sec. 336.057 (1981). Instruction in fire danger and fire drills are required in all schools having an average daily attendance of 50 or more. Or. Rev. Stat. sec. 336.072 (1981).

PENNSYLVANIA
Yes. "In every elementary public and private school . . . the following subjects shall be taught . . . : English, including spelling, reading and writing, arithmetic, geography, the history of the United States and Pennsylvania, civics . . . safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art." Pa. Stat. Ann. tit. 24, sec. 15-1511 (Purdon Supp. 1983).

PUERTO RICO
Yes. A required license will not be issued unless the school meets minimum requirements regarding curriculum. P.R. Laws Ann. tit. 18, sec. 2103 (Supp. 1982).

RHODE ISLAND
Yes. "That reading, writing, geography, arithmetic, the history of the U.S., the history of Rhode Island and the principles of American government shall be taught in the English language to the same extent [as] taught in the public schools." R.I. Gen. Laws sec. 16-19-2 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Yes. The state specifies a course of instruction. S.D. Codified Laws Ann. sec. 13-1-12 (1982). Also, instruction in state and federal constitutions is required, S.D. Codified Laws Ann. sec. 13-33-4 (1982); instruction in patriotism including "singing of patriotic songs, the reading of patriotic addresses, and a study of the lives and history of American patriots" is required, S.D. Codified Laws Ann. sec. 13-33-4 (1982); moral instruction is required, S.D. Codified Laws Ann. sec. 13-33-6 (1982); as is instruction in the free enterprise system, S.D. Codified Laws Ann. sec. 13-33-12 (1982).

TENNESSEE
Yes. "Every private high school in Tennessee which gives a four (4) year course in literary branches is subject to the same requirements as are the public high schools in Tennessee in regard to teaching American history and government." (A one year course is required). Tenn. Code Ann. sec. 49-1904 (1977).

TEXAS
Yes. A private or parochial school must include a course of study of good citizenship. Tex. Educ. Code Ann. sec. 21.033(a)(1) (Vernon Supp. 1982).

UTAH
No provision.

VERMONT
Yes. Private schools must provide a "minimum course of study" including instruction in: (1) Basic communication skills including reading, writing, use of numbers; (2) Citizenship, history and government of Vermont and the United States; (3) Physical education and principles of health, including the effects of tobacco, alcohol and drugs . . .; (4) English, American and other literature; and, (5) The natural sciences. Vt. Stat. Ann. tit. 16, sec. 906(b) (Supp. 1983).

VIRGINIA

No provision.

VIRGIN ISLANDS
Yes. The Commissioner of Education must approve the curriculum of any school prior to accreditation. V.I. Code Ann. tit. 17, sec. 192 (1976).

WASHINGTON
Yes. The study of the constitution is a prerequisite to graduation if work in a private school "is accepted in lieu of work otherwise performed in the public high schools"). Wash. Rev. Code sec. 28A.02.080 (1982). Occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling and the development ofappreciation of art and music are also required. Wash. Rev. Code sec. 28A.02.201(6) (1982).

WEST VIRGINIA
Yes. for private schools approved by the county board of education, "it shall be the duty of the officials or boards having authority . . . to prescribe courses of study for the schools under their control and supervision similar to those required for the public schools." W. Va. Code sec. 18-2-9 (1984).

One year of study of the history of West Virginia and the history of the U.S., as well as instruction in civics, and the constitutions of the U.S. and West Virginia are required. W. Va. Code sec. 18-2-9 (1984).

For all private and public schools, instruction in fire prevention is required. W. Va. Code sec. 18-2-8 (1984).

Private schools which elect not to be approved by the county boards of education are exempted from all other statutory requirements. "No private, parochial or church school or school operated by any other private body which complies with the requirements of this article shall be subject to any other provision of law relating to education except requirements of law respecting fire, safety, sanitation and immunization." W. Va. Code sec. 18-28-6 (1984). However, each school shall establish curriculum objectives and provide an adequate "instructional program" to make possible the acquisition of basic competencies. W. Va. Code sec. 18-28-3 (1984).

WISCONSIN

Yes. "Every public and private school, by appropriate instruction and ceremony to be formulated by the department, shall provide instruction in the proper reverence and respect for and the history and meaning of the American flag, the Declaration of Independence, the U.S. Constitution, the constitution and laws of this state as well as the duties and responsibilities of citizenship, so that government of the people, by the people and for the people may function and endure in the United States of America." Wis. Stat. Ann. sec. 118.01(10) (West 1973).

WYOMING
No provision.

TABLE III(B)(4)

DO STATE STATUTES REQUIRE PRIVATE SCHOOLS TO REPORT ENROLLMENT, ATTENDANCE OR SIMILAR DATA TO PUBLIC OFFICIALS?

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ALABAMA
Yes. "A register of attendance shall be kept . . . ." Ala. Code sec. 16-28-1(1)(d) (Supp. 1982). "All private schools . . . except church schools . . . shall register annually . . . such statistices as relate to the number of pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property and general condition of the school." Ala. Code sec. 16-1-11 (Supp. 1982).

ALASKA
Yes. "Teachers and others in charge of religious or other private schools shall . . . make regular monthly and annual reports to the commissioner in the same manner as teachers and superintendents in the public schools." HCS-CSSR 354(Rls)(March 8, 1984) to be codified as Alaska Stat. sec. 14.45.030.

AMERICAN SAMOA
Yes. Each private school shall submit monthly enrollment reports. They must also maintain permanent record cards on each pupil. Am. Samoa Code Ann. sec. 16.0706 (1983).

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
Yes. The school must file an affidavit or other report on enrollment, attendance, and a variety of other information such as names, addresses, educational qualifications of faculty. Cal. Educ. Code sec. 33190 (West 1978). Attendance keeping is also required under Cal. Educ. Code sec. 48222 (West 1978). The county

school board has authority to establish a regulation requiring any private or public school in the county to report any "severance of attendance" by a pupil subject to the compulsory attendance law. Cal. Educ. Code 48202 (West 1978). The private or public school "shall report severance of attendance or denial of admision of any child who is physically handicapped, mentally retarded, or multiple [sic] handicapped but is otherwise subject to the compulsory education laws . . . ." to the county superintendent. Cal. Educ. Code 48203 (West 1978). *See also* Cal. Educ. Code sec. 48222 (West 1978).

COLORADO
Yes. The reports may include the name, age, residence, and number of days of attendance of all children of school age. Private schools may not be asked to report more than once a month. Colo. Rev. Stat. sec. 22-1-114 (1973).

CONNECTICUT
Yes. Nonpublic schools must keep "a register of attendance in the form and manner prescribed by the state board of education for the public schools . . . ." Conn. Gen. Stat. Ann. sec. 10-188 (West 1958).

DELAWARE
Yes. All private schools are required to submit annual reports on enrollment, age of pupils and attendance. Del. Code Ann. tit. 14, sec. 2704 (1981).

DISTRICT OF COLUMBIA
Yes. A daily record of attendance must be kept, as well as a report of enrollment and withdrawals. This applies to "every public, private or parochial school or private teachers . . . ." D.C. Code secs. 31-405 and 31-409 (1981).

FLORIDA
Yes. "All officials, teachers, and other employees in . . . private schools . . . shall keep . . . records includ[ing] a register of enrollment and attendance." Fla. Stat. Ann. sec. 232.021 (West 1977). *See also* Fla. Stat. Ann. sec. 228.092 (West Supp. 1983).

"The Department of Education shall organize, maintain and annually update a data base for [nonpublic schools]. There shall be included in the data base of each institution the name, address, and telephone number of the institution . . . the enrollment . . . the number of graduates . . . ." Fla. Stat. Ann. sec. 229.808(1)(f) (West Supp. 1983).

GEORGIA
Yes. All public, private, denominational or parochial schools must report in writing the name, age, and residence of local pupils within 30 days after the beginning of the school term and at the end of each school month. S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(b)(5).

GUAM
Yes. "The attendance of private school pupils shall be kept by private school authorities in a register, and record of attendance shall indicate clearly every absence of the pupil from school for half (1/2) day or more during each day that school is maintained during the year. Said register shall be available for inspection by the Director during school hours and a certified copy thereof shall be forwarded to the Department of Education and at the end of each school term." Guam Code Ann. tit. 17, sec. 6107 (1982).

HAWAII
Yes. The Department of Education may require reports in such form as it may deem proper. Hawaii Rev. Stat. sec. 298-6 (1976).

IDAHO
No provision.

ILLINOIS
No. However, the superintendent of Public Instruction is to annually report to the Governor the total enrollment of private schools. Ill. Ann. Stat. ch. 122, sec. 2-3.11 (Smith-Hurd Supp. 1983).

INDIANA
Yes. "Each principal and teacher in every public and private school . . . shall furnish . . . a list of names, addresses and ages of all minors attending their school." Ind. Code Ann. sec. 20-8.1-3-24 (1980).

"An accurate daily record of the attendance of each child . . . shall be kept by each teacher in every public and private school." Ind. Code Ann. sec.

20-8.1-3-23 (1980).

IOWA
Yes. The principal of a private school "shall, once during each school year and at any time requested in individual cases, furnish . . . a certificate of the names, ages, and number of days of attendance of each pupil . . . ." Iowa Code Ann. sec. 299.3 (West Supp. 1983). A provision for religious exemption from compulsory attendance requirements for religious schools contains a requirement that the local congregation file a list of names, ages and addresses of all persons seeking the exemption. Iowa Code Ann. sec. 229.24 (West Supp. 1983).

KANSAS
No. However, for those schools which fall under the Yoder exemption "[r]egular attendance reports shall be required by law, and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities." Kan. Stat. Ann. sec. 72-1111(d)(4) (1980).

KENTUCKY
Yes. "Attendance at private and parochial schools shall be kept by the authorities of such schools in a register provided by the State board for elementary and secondary education . . . ." Ky. Rev. Stat. Ann. sec. 159.040 (1980). Enrollment in a private, parochial, or church school must be reported by the school to the local district, and, if the school declines, by the parent or legal guardian. H.B. No. 76, signed into law March 9, 1984, to be codified as Ky. Rev. Stat. An. 159.030(1)(b).

LOUISIANA
Yes. Private schools must cooperate with the supervisor of child welfare and attendance in reporting names, birthdates, race, parents and residence of all students within 30 days after beginning of school term. La. Rev. Stat. Ann. sec. 17:232 (West 1982). However, schools which receive no local, state or federal funds need only report total attendence figures once a year. La. Rev. Stat. sec. 17:232(c) (West Supp. 1983).

MAINE
Yes. "Children shall be credited with attandence at a

private school only if a certificate showing their names, residence and attendance at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the children reside." Me. Rev. Stat. tit. 20-A, sec. 5001(E) (1983).

MARYLAND

Yes. "With the advice of the State Superintendent, the State Board shall require each private educational association, corporation, and institution to report annually, on or before August 31, its enrollment and courses of study on the forms that the Board provides. Md. Educ. Code Ann. sec. 2-205(o) (1978).

MASSACHUSETTS

Yes. The supervisory officers of all private schools shall, within thirty days after the enrollment or registration of any child of compulsory school age, report his name, age and residence to the superintendent of schools of the town where the child resides; and whenever a child withdraws from a private school, such officers shall, within ten days, notify said superintendent. Mass. Gen. Laws ch. 72, sec. 2 (West 1982). *See Attorney General v. Bailey*, 336 Mass. 367, 436 N.E.2d 139 (1982), *cert. denied*, 103 S. Ct. 301 (1982) (*held* this section is not violative of the first amendment's establishment clauses).

MICHIGAN

Yes. "The appropriate authority of each nonpublic school . . . shall furnish . . . A) the name and age of such child enrolled . . . D) the name and age of each child enrolled but not in regular attendance." Mich. Comp. Laws Ann. sec. 380.1578 (West Supp. 1983).

MINNESOTA

Yes. The state board shall require "educational institutions to give such facts as it may deem of public value." Minn. Stat. Ann. sec. 121.11 (Subd. 5) (West Supp. 1983). Nonpublic schools must report "information as is herein required respecting public schools." Minn. Stat. Ann. sec. 120.12(2) (West Supp. 1983). In addition, "[e]very teacher shall keep a register . . . showing the daily attendance of each pupil. The register shall show the names and ages of all pupils . . . ." Minn. Stat. Ann. sec. 125.15 (West 1979).

MISSISSIPPI

Yes. All schools "may be required to report to the state department of education for statistical purposes only the number of children actually enrolled, by age and grade level or type of instructional program, and the average daily attendance thereof, a maximum of once each school year." Miss. Code Ann. sec. 37-13-105 (Supp. 1982).

MISSOURI

No provision.

MONTANA

Yes. "To qualify for exemption from compulsory enrollment . . . a nonpublic or home school shall: (1) maintain records on pupil attendance . . . and make such records available to the county superintendent on request . . . ." Mont. Code Ann. sec. 20-5-109 (1983).

NEBRASKA

Yes. Private schools must report the name, age and address of each child enrolled, the number and county of the school district in which the school is located, attendance information and the cause of any absences. Neb. Rev. Stat. sec. 79-207, 209 (1976). *See also* L.B. 928, sec. 3, signed into law April 10, 1984, *to be codified as* Neb. Rev. Stat. sec. 79-1701(2), which retains the requirement of reporting attendance for schools that are exempt from many of the regulations because of parental religious objection.

NEVADA

Yes. "Private schools shall be required to furnish from time to time such reports as the superintendent of public instruction may find necessary as to enrollment, attendance and general progress. Nev. Rev. Stat. sec. 394.130(2) (1979).

NEW HAMPSHIRE

Yes. All private schools must make an annual statistical report to the state board. N.H. Rev. Stat. Ann. sec. 194:31 (1977).

NEW JERSEY

Yes. Annual reporting is required by those schools which are neither operated by a religious denomination or a charitable, non-profit organization. N.J. Stat. Ann sec. 18A:69-5 (West 1968). Annual reports are required from every private school concerning "such statistics relating to the conduct of such institution or school," but may not be required to include information concerning expenses or finances. N.J. Stat. Ann sec. 18A:6-4 (West 1968).

NEW MEXICO
Yes. Attendance reports are required. N.M. Stat. Ann. sec. 22-2-2.L (1978).

NEW YORK
Yes. Accurate records of attendance must be kept and be available for inspection. N.Y. Educ. Law sec. 3211 (McKinney 1981).

NORTH CAROLINA
Yes. "Each private church school or school of religious charter shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes." However, there is no requirement that these records be reported to the state. N.C. Gen. Stat. sec. 115C-548 (1983).

NORTH DAKOTA
No provision.

OHIO
Yes. "The principal or teacher of any . . . private, or parochial school shall report to the treasurer of the board of education . . . names, ages, and places of residence of all pupils below eighteen years of age . . . with such other facts as the treasurer requires to facilitate the carrying out of the laws relating to compulsory education and and the employment of minors. Such report shall be made within first two weeks of beginning of school . . . . " Ohio Rev. Code sec. 3321.12 (Page 1980).

Also, an annual report must be filed by the president, manager, or principal of each seminary, academy, parochial or private school containing such facts as the Board of Education requests. Ohio Rev. Code Ann. sec. 3301.14 (Page 1980).

OKLAHOMA
Yes. "It shall be the duty of the principal or head teacher of each . . . private or other school . . . to keep a full and complete record of the attendance of all children at such school . . . ." Okla. Stat. Ann. tit. 70, sec. 10-106 (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA
Yes. "Every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall . . . furnish to the district superintendent, attendance officers . . . lists of the names and residences of all children between six and eighteen years of age enrolled in such school or institution . . . and further report at once . . . the name and date of a withdrawal of any such pupil . . . [i]f such withdrawal occurs during the period of compulsory atten- dance . . . . Every principal or teacher in a school other than a public school, and every private teacher shall also report at once . . . any such child who has been absent three (3) days, or their equivalent . . . without lawful excuse." Pa. Stat. Ann. tit. 24, sec. 13-1332 (Purdon Supp. 1983). See also, Pa. Stat. Ann. tit. 24, sec. 13-1354 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. Registers of attendance must be kept and reported. R.I. Gen. Laws sec. 16-19-2 (1981).

"Every teacher in any public or private school shall keep a register of the names of all students attending said school . . . ." R.I. Gen. Laws sec. 16-12-4 (1981).

SOUTH CAROLINA
Yes. All private schools shall report to the county superintendent of education: location of the school,

number of pupils, number in regular attendance, number of teachers employed, and such other facts as will show the grade and amount of educational work actually done. A school is subject to a fine of not more than $25.00 if not reported within two weeks of regular school closing. S.C. Code sec. 59-13-130 (1976).

SOUTH DAKOTA
Yes. "[Nonpublic] schools shall make all reports to the superintendent of elementary and secondary education concerning attendance as are required of public schools . . . ." S.D. Codified Laws Ann. sec. 13-4-2 (1982). A nonpublic school official who fails to make such reports "commits a petty offense." S.D. Codified Laws Ann. sec. 13-4-4 (1982).

TENNESSEE
Yes. "It shall be the duty of the principals and teachers of all schools, public, private, denominational, or parochial, to report in writing . . . the names, ages and residence of all pupils in attendance at their schools . . . . All public, private and parochial schools shall keep daily reports of attendance . . . ." Tenn. Code Ann. sec. 49-1717 (1977). The withdrawal of students must also be reported. Tenn. Code Ann. sec. 49-1718 (1977).

TEXAS
Yes. "The superintendent, principal or other official of any private denominational, or parochial school shall furnish the county superintendent a list of all children of scholastic age enrolled in the school . . . ." Tex. Educ. Code Ann. sec. 21.034(d) and 21.035(d) (Vernon 1972).

UTAH
No provision.

VERMONT
Yes. Annual enrollment must be reported. Termination of a pupil's enrollment must be reported with seven days. Vt. Stat. Ann. tit. 16, sec. 166(d) (Supp. 1983).

VIRGINIA
No provision.

VIRGIN ISLANDS
Yes. "The principal or other person or persons in charge of every public, private, denominational, parochial, or any other school at the opening of such school or schools each year and at such other time or times as the Commissioner of Education directs, shall furnish to the Department of Education, the name, age, and grade of every child who has enrolled at such school or schools and other information required by the Commissioner." V.I. Code Ann. tit. 17, sec. 96 (1976).

WASHINGTON
Yes. "It shall be the duty of the administrative or executive authority of every private school in this state to report to the educational service district superintendent . . . such information as may be required . . . to make complete the records of education work pertaining to all children residing within the state." Wash. Rev. Code sec. 28A.48.055 (1983).

WEST VIRGINIA
Yes. Attendance records of enrolled pupils must be maintained as well as a list of the names and addresses of enrolled children. W. Va. Code secs. 18-8-1 and 18-28-2 (1984).

WISCONSIN
Yes. "All private schools shall keep a record containing the information required under secs. 115.30(2) and 120.18. The record shall be open to the inspection of school attendance officers at all reasonable times. When called upon by any school attendance officer, the school shall furnish, on blanks supplied by the school attendance officer, such information in regard to any child between the ages 6 and 18 who is a resident of the school district or who claims or is claimed to be in attendance at the school." Wis. Stat. Ann. sec. 118.16(3) (West Supp. 1983).

Public officials must provide accounting and financial data and an annual report containing the "numbers and ages of children between the ages of 4 and 20 residing in the school district . . . ." Wis. Ann. Stat. sec. 120.18 (West Supp. 1983).

"The department may require all school boards to report to it, on forms provided, the name of the school and its location, the name and address of the teachers, the number of months of school maintained during the year, the opening and closing dates, the names and ages of all pupils enrolled between the ages of 6 and 18, the names and post-office addresses and places of residence of the parents of such pupils, the number of the school district and the distance such pupils reside from the schoolhouse, the number of days each pupil was present during each month and any other information requested by it." Wis. Stat. Ann. sec. 115.30(2) (West Supp. 1983).

WYOMING

No. However, the local board of trustees for the public schools must furnish the attendance officers a list of children of compulsory attendance age. The requirement for reporting attendance appears to include public schools only. Wyo. Stat. sec. 21-4-106 (1977).

TABLE III(B)(5)(a)

DO STATE STATUTES REQUIRE THAT PRIVATE SCHOOL INSTRUCTION BE IN THE ENGLISH LANGUAGE?

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ALABAMA
Yes. "The English language shall be used in giving instruction." Ala. Code sec. 16-28-1(1)(c) (Supp. 1982).

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
Yes. "The basic language of instruction . . . in all the schools of the State, public and private, shall be the English language only." Ark. Stat. Ann. sec. 80-1605 (1980).

CALIFORNIA
Yes. Language requirements are the same for all schools, public and private. Cal. Educ. Code sec. 30 (West 1978).

COLORADO
No provision.

CONNECTICUT
Yes. "The medium of instruction and administration in all public and private elementary schools shall be the English language . . . ." Conn. Gen. Stat. Ann. sec. 10-17 (West Supp. 1983).

DELAWARE
Yes. All elementary school subjects must be taught in the English language. Del. Code Ann. tit. 14, sec. 122(b)(5) (1981).sec. 122(b)(5) (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision. However, "[n]ot less than 50% of the study and instruction in each school day shall be devoted to the oral expression, written composition, and spelling of the English language." Hawaii Rev. Stat. sec. 298-1 (1976).

IDAHO
No provision.

ILLINOIS
Yes. Instruction in the English language is required in all schools. Ill. Ann. Stat. ch. 122, sec. 27-2 (Smith-Hurd 1961).

INDIANA
Yes. Every child must attend "either a public school or some other school which is taught in the English language." Ind. Code. Ann. sec. 20-8.1-3-17 (Burns Supp. 1983).

IOWA
Yes. "The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language." Iowa Code Ann. sec. 280.4 (West Supp. 1983).

KANSAS

No provision.

KENTUCKY

Yes. "Private and parochial schools shall be taught in the English language . . . ." Ky. Rev. Stat. Ann. sec. 158.080 (1980).

LOUISIANA

No provision.

MAINE

Yes. "Private schools approved for attendance purposes by the department shall: . . . [u]se English as the language of instruction . . . ." Me. Rev. Stat. Ann. tit. 20-A, sec. 2902(2) (1983).

MARYLAND

No provision.

MASSACHUSETTS

No provision.

MICHIGAN

Yes. "English shall be the basic language of instruction in the public and nonpublic schools of this state . . . ." Mich. Comp. Laws Ann. sec. 380.1151(1) (West Supp. 1983).

MINNESOTA

Yes. A school, to satisfy the compulsory education law, must give instruction in English "provided that in a program of instruction for children of limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein." Minn. Stat. Ann. sec. 120.10(2) (West Supp. 1983).

MISSISSIPPI

No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
Yes. The constitution requires that all public, private, denominational and parochial schools teach in the English language only. Neb. Const. art I, sec. 27.

NEVADA
No provision.

NEW HAMPSHIRE
Yes. Instruction in English is required in all schools, public and private.
N.H. Rev. Stat. Ann. sec. 189:19 (Supp. 1981).

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
Yes. "In the teaching of the subjects of instruction prescribed . . . English shall be the language of instruction, and textbooks used shall be written in English. . . . . Instructions given to a minor elsewhere than at public school shall be at least substantially equivalent to the instruction . . . at public schools of the city or district where the minor resides." N.Y. Educ. Law sec. 3204(2) (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
Yes. "Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English . . . ." Or. Rev. Stat. sec. 336.074 (1981).

PENNSYLVANIA
Yes. The compulsory education law requires that a child be instructed in English. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "[R]eading . . . shall be taught in the English language . . . or in any other language in addition to the teaching in English . . . ." R.I. Gen. Laws sec. 16-19-2 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Yes. "Instruction in any school shall be such that it promotes mastery of the English language in oral and written communications." S.D. Codified Laws Ann. sec. 13-33-11 (1982).

TENNESSEE
No provision.

TEXAS
Yes. "English shall be the basic language of instruction in all schools." Tex. Educ. Code Ann. sec. 21.109(a) (Vernon Supp. 1982).

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Yes. "English shall be designated as the official language of the Commonwealth of Virginia." Va. Code sec. 22.1-212.1 (Supp. 1982).

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
Yes. For schools approved by the county boards of education, "[t]he basic language of instruction in the common school branches in all schools, public, private and parochial, shall be in the English language only." W. Va. Code sec. 18-2-7 (1984).

However, private schools which elect not to be approved by the county boards of education are not subject to the English language requirement. W. V. Code sec. 18-28-6 (1984).

WISCONSIN
No provision.

WYOMING
No provision.

TABLE III(B)(5)(b)

IF STATE LAW REQUIRES INSTRUCTION IN THE ENGLISH LANGUAGE, IS THERE AN EXCEPTION FOR PUPILS WHO ARE NOT PROFICIENT IN ENGLISH?

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ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision. For private schools. *But see*, the *public* school requirement, "[i]n the first eight grades of any common school district or unified school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the school district may provide special programs of bilingual instruction." Ariz. Rev. Stat. Ann. sec. 15-705(B) (Supp. 1982).

ARKANSAS
No. Any person not teaching in the English language shall be guilty of a misdemeanor and fined not more than $25 per offense. Ark. Stat. Ann. sec. 80-1605 (1980).

CALIFORNIA
Yes. The governing board of a school "may determine when and under what circumstances the English-only provision may be lifted." Cal. Educ. Code sec. 30 (West 1978).

COLORADO
No provision.

CONNECTICUT

Yes. "[I]nstruction as provided . . . may be given in any language other than English to any pupil who, by reason of foreign birth, ancestry or otherwise, experiences difficulty in reading and understanding English." Conn. Gen. Stat. Ann. sec. 10-17 (West Supp. 1983).

DELAWARE

No provision.

DISTRICT OF COLUMBIA

No provision. However, there is a Latino Community Development Program which "ensures that the District of Columbia will provide a full range of education services to the Latino community. See generally D.C. Code sec. 1-2301 (1981).

FLORIDA

No provision.

GEORGIA

No provision.

GUAM

No provision.

HAWAII

Implied. Private schools must inform the state board of the "language in which the instruction is to be given." Hawaii Rev. Stat. sec. 298-6 (1976).

IDAHO

No provision.

ILLINOIS

No. The Transitional Bilingual Education Act applies only to public schools. Ill. Ann. Stat. ch. 122, sec. 14C-1 (Smith-Hurd Supp. 1983).

INDIANA

No provision.

IOWA
Yes. "When the student is non-English speaking, both public and nonpublic schools shall provide special instruction . . . ." Iowa Code Ann. sec. 280.4 (West Supp. 1983).

"The department shall promulgate rules relating to the identification of non-English speaking children . . . and application[s] for [state aid]." Iowa Code Ann. sec. 280.4(2) (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
Implied. "Languages of instruction to be used in all schools shall be as follows . . . bilingual education . . . transitional instruction . . . ." Me. Rev. Stat. Ann. tit. 20-A, sec. 4602 (3),(4) (1983).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Yes. English is not the basic language of instruction when 1) the instruction is religious, in a foreign language, and in addition to a regular course of study or 2) the in- struction is in a foreign language because the pupil has acquired proficiency in it or 3) the instruction is bilingual in order to assist children of limited English-speaking ability to achieve English proficiency. Mich. Comp. Laws Ann. sec. 380.1151(2)(a-c) (West Supp. 1983).

MINNESOTA
Yes. A school, to satisfy the compulsory education law, must give instruction in English "provided that in a program of instruction for children of limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein." Minn. Stat. Ann. sec. 120.10(2) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
Yes. "Educational programs in the field of bilingual education shall be permitted . . . with the approval of the state board of eduction and the local school district." N.H. Rev. Stat. Ann. sec. 189:19 (1977).

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
Yes. "English shall be the language of instruction . . . except that for a period of three years . . . pupils who, by reason of foreign birth or ancestry have limited English proficiency shall be provided with instructional programs of bilingual education or English

as a second language." N.Y. Educ. Law sec. 3204(2) (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
Yes. Instruction shall be primarily in English except "[i]instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities." Or. Rev. Stat. sec. 336.074 (1981).

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No. There is a bilingual education act which establishes programs in public schools, but does not address whether these requirements are applicable to private schools. _See generally_ R.I. Gen. Laws secs. 16-54-1 through 16-54-19 (Supp. 1982).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
Yes. "It is the policy of the state to insure mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged." Tex. Educ. Code Ann. sec. 21.109 (Vernon Supp. 1982).

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE III(B)(6)

DOES ANY STATE STATUTE PROHIBIT RACE DISCRIMINATION IN PRIVATE SCHOOLS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No. Arkansas law provides for an escape from racial integration. "[N]o child shall be compelled to attend any school in which the races are commingled when a written objection of the parent or guardian has been filed with the Board of Education . . . . If in connection therewith a requested assignment or transfer is refused by the Board, the parent or guardian may notify the Board in writing that he is unwilling for the pupil to remain in the school in which assigned, and the assignment and further attendance of the pupil shall thereupon terminate; *and such child shall be entitled to such aid for education as may be authorized by law.* [emphasis added] Ark. Stat. Ann. sec. 80-1530 (1980). *See also*, Ark. Stat. Ann. sec. 80-509(c) (1980), requiring the board of directors of each school district to establish separate schools for white and colored persons. These provisions violate the federal constitution, however.

CALIFORNIA
No. *See* Cal. Gov. Code sec. 11135 (1980) (discrimination prohibited only in school receiving assistance from state.)

COLORADO
Yes. Private schools are "places of public accomodation," where racial discrimination is prohibited. The statutory definition expressly includes "an educational institution." Colo. Rev. Stat. sec. 24-34-601(1) (1982).

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Yes. "It is an unlawful discriminatory practice for an educational institution: to deny, restrict or abridge or condition the use of or access to any of its faciliites and services to any person otherwise qualified . . . based upon the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, source of income or physical handicap of ay individual . . . ." D.C. Code sec. 1-2520 (1981).

Educational institution is defined as "any public or private institution." D.C. Code sec. 1-2502(8)(1981). However, an exception is provided: "Nothing contained in the provisions of this chapter shall be construed to bar any religious or political organization . . . operated for educational purposes . . . [from] giving preference to persons of the same religion or political persuasion as is calculated by such organization to promote the religious or political principles for which it is established . . . ." D.C. Code sec. 1-2503(b) (1981).

FLORIDA
No provision. *But see* *Brown v. Dade Christian Schools*, 556 F.2d 310 (5th Cir. 1977) (*held* that the segregationist policies of a church school were not entitled to First Amendment protection because the church's belief in segregation was political, rather than religious, in nature.)

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
Yes. Race discrimination by education institutions is forbidden. Idaho Code sec. 67-5909(6) (Supp. 1983).

Educational institutions include private schools. Idaho Code sec. 67-5902 (10) (Supp. 1983). However, sectarian schools may limit admission, or give preference to members of the same religion. Idaho Code sec. 67-5910(4)(a) (Supp. 1983).

ILLINOIS
Yes. "The Department of Registration and Education shall . . . [p]rescribe rules and regulations defining what shall constitute a school . . . in good standing, and to determine whether or not a school . . . is reputable and in good standing . . . provided that no school . . . that refuses admittance to applicants solely on account of race, creed, sex or national origin shall be considered reputable and in good standing . . . ." Ill. Ann. Stat. ch. 111, sec. 1208 (4-a)(3) (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
No. "[N]othing in this Act shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils from

members of such religion or denomination . . . ." La. Rev. Stat. Ann. sec. 17.111(B) (West 1982).

MAINE
No provision.

MARYLAND
Yes. "The State Board may not issue a certificate of approval to an institution that practices discrimination based on race, color, or national origin." Md. Educ. Code Ann. sec. 2-206(e)(3) (Supp. 1983).

MASSACHUSETTS
No provision.

MICHIGAN
Yes. An educational institution shall not discriminate against its students. Mich. Comp. Laws. Ann. sec. 37.1402 (West Supp. 1983) An educational institution is defined as "a public or private institution . . . ." Mich. Comp. Laws Ann. sec. 37.1401 (West 1976).

MINNESOTA
Yes. It is unfair discrimination for an educational instituion to discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance or disability. Minn. Stat. Ann. sec. 363.03 (Subd. 5) (West Supp. 1983). An educational institution is defined as "a public or private institution and includes an academy, college, elementary or secondary school . . . ." Minn. Stat. Ann. sec. 3363.01 (Subd. 20) (West Supp. 1983).

MISSISSIPPI
No. The state may not interfere in private schools' admission policies. Miss. Code Ann. sec. 37-13-99 (Supp. 1982).

MISSOURI
No provision.

MONTANA
Yes. Race discrimination is an unlawful practice by an educational institution. Mont. Code Ann. 49-2-101(6)

and 49-2-307 (1983).

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No. Private religious schools are not forbidden from making preferential selections calculated to promote religious principles. N.H. Rev. Stat. Ann. sec. 354-A:8 (4) (Supp. 1981).

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
Yes. All schools are prohibited from excluding students on the basis of race, religion, creed, color, or national origin. N. Y. Educ. Law sec. 313 (McKinney Supp. 1983). However, religious or denominational institutions, which are certified as such with the state, are permitted to select their students on the basis of religion. See also N.Y. Educ. Law sec. 296.4 (McKinney 1982) (Non-sectarian and tax exempt education associations or corporations are forbidden to discriminate.)

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. Schools which want to qualify for tax credits for tuition paid by parents for enrollment in grades 1-12, must meet the state board of education prescribed minimum standards and not discriminate in the admission of pupils or hiring of teachers on basis of race, creed,

color or national origin. Ohio Rev. Code Ann. sec. 5747 (Page 1980).

In addition, "[h]ealth and remedial services provided for the benefit of nonpublic school pupils . . . and the admission of pupils to such nonpublic schools shall be provided with- out distinction as to race, creed, color, or national origin of such pupils or of their teachers." Ohio Rev. Code Ann. sec. 3317.06 (Page Supp. 1982).

OKLAHOMA
No provision.

OREGON
No provision. See Or. Rev. Stat. sec. 659.150(2) (1981) (prohibiting discrimination in public schools and in higher education where state funds are involved).

Cf. Or. Rev. Stat. sec. 325.051(1)(d) (1981) (requiring the State Board to establish rules that "provide that no public elementary or secondary school shall discriminate as to sex, race, marital status, religion or national origin in determining participation in interschool activities."

PENNSYLVANIA
No. Auxiliary services are provided only to those schools in compliance with Title VI of the Civil Rights Act of 1964. Pa. Stat. Ann. titl. 24 sec. 9-972.1 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
Yes. In the provision of services to handicapped students placed in private schools, "such institutions shall accept applicable children into the program regardless of color, race, sex or religion." S.C. Code sec. 59-33-50 (1976).

SOUTH DAKOTA
Yes. "It is an unfair or discriminatory practice for

any educational institution: (1) to discriminate in any manner in its full use or in its benefits, or in its services against any individual because of race . . . . S.D. Codified Laws Ann. sec. 20-13-22 (1982). "Educational institution means any public or private institution of education . . . ." S.D. Codified Laws Ann. sec. 20-13-2(ii) (1979). "This section shall not apply to any bona fide religious institution with respect to any qualification based on religion [where] such classification is related to a bona fide religious purpose. S.D. Codified Laws Ann. sec. 20-13-22 (1982).

TENNESSEE
No. "No person shall be refused admission into . . . any public school . . . on account of race . . . ." Tenn. Code Ann. sec. 49-1770 (1977). However, "nothing contained in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination . . . ." Tenn. Code Ann. sec. 49-1771 (1977). Note that religious institutions are free to choose "individuals of a particular religion to perform work connected with the carrying on . . . of its religious institutions.." Tenn. Code Ann sec. 4-21-109 (1979).

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
Yes. Discrimination based on race, creed, color or national origin in "public and private schools," is prohibited. V.I. Code Ann. tit. 10, sec. 2 (1976).

WASHINGTON
Yes. It is a misdemeanor for any person to deny any

other person, "because of race, creed, or color, the full enjoyment of any of the accomodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement . . . ." Wash. Rev. Code sec. 9.91.010 (1982). A place of public accommodation includes "any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools," and excludes "any institute bona fide club, or place of accommodation, which is by its nature distinctly private . . . [and] any education facility seperate or maintained by a bona fide religious or sectarian institution . . . ." However, the prohibition applies only to private schools which receive public funds. Also, "the right of a natural parent in loco parent's to direct the education and upbringing of a child under his control is hereby affirmed." Wash. Rev. Code sec. 9.91.010(d) (1982).

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE III(B)(7)

WHAT ADDITIONAL REQUIREMENTS APPLY TO PRIVATE SCHOOLS (OTHER THAN REQUIREMENTS ON ACCREDITATION, APPROVAL, LICENSURE, HOURS, DAYS IN A YEAR, REPORTING OF ENROLLMENT AND SIMILAR DATA, INSTRUCTION IN THE ENGLISH LANGUAGE AND PROHIBITION OF RACE DISCRIMINATION)?

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ALABAMA
No.

ALASKA
The department of education shall "prescribe by regulation, after consultation with the state fire marshall and the state sanitarian
standards that will assure healthful and safe conditions in the . . . private schools of the state including a requirement of physical examinations and immunizations in pre-elementary schools; the standards for private schools may not be more stringent than those for public schools . . . ." HCS-CSSB (Rls) (March 8, 1984) to be codified as Alaska Stat. sec. 14.07.020(7).

AMERICAN SAMOA
A required annual report must include 1) a calendar for the school year; 2) list of all teachers (age, experience and professions qualifications); 3) certificate of health for each teacher; 4) list of curriculum and books to be used; and, 5) schedule of classes. Am. Samoa Code Ann. sec. 16.0706(b) (1983).

ARIZONA
No.

ARKANSAS
Immunization is required for private school students, unless the parent objects on religious grounds. Ark. Stat. Ann. secs. 80-1548, 1550 (1980).

Private schools must display a United States flag on, near or in the school buildings. Ark. Stat. Ann. sec. 80-1604 (1980).

CALIFORNIA
No.

COLORADO
No.

CONNECTICUT
Adequate immunizations are required. Conn. Gen. Stat. Ann. sec. 10-204a (West Supp. 1983).

Terminations of private school teacher contracts are subject to state regulation in those high schools or academies which have been approved by the state for tuition payment. Conn. Gen. Stat. Ann. sec. 10-151 (West Supp. 1983).

DELAWARE
Instruction in driver education is regulated in nonpublic schools.
Del. Code Ann. tit. 14, sec. 127 (1981).

Disclosure of students' records in private schools is regulated.
Del. Code Ann. tit. 14, sec. 4111 (1981).

"All rules and regulations relative to pupil transportation to nonpublic, nonprofit schools shall be the same as those applicable to public schools . . . ."
Del. Code Ann. tit. 14, sec. 2905 (1981).

DISTRICT OF COLUMBIA
No.

FLORIDA
No.

GEORGIA
No.

GUAM
No.

HAWAII

No.

IDAHO
No.

ILLINOIS
Fire drill regulations are authorized. Ill. Ann. Stat. ch. 122, secs. 841 through 843 (Smith-Hurd Supp. 1983). Health examinations are required of all students. Ill. Ann. Stat. ch. 122, sec. 27-8.1 (Smith-Hurd Supp. 1983).

INDIANA
No.

IOWA
Yes. Schools offering grades 7-12 (except elementary schools, 1-8) must have a certificated media specialist, or "adequate" media center; a certificated guidance conselor; and arrangement for special education services. Iowa Code Ann. sec. 257.25(9) (West Supp. 1983). Private schools seeking exemption from state curriculum requirements must offer "proof of achievement," based on "testing or evaluation." Iowa Code Ann. sec. 280.3 (West Supp. 1983). Private schools must engage in certain needs assessment, evaluation and similar activity. Iowa Code Ann. sec. 280.12 (West Supp. 1983).

KANSAS
No.

KENTUCKY
No.

LOUISIANA
No.

MAINE
Private secondary schools shall [h]ave a student teacher ratio of not more than 30 to one; [i]nclude not less than two consecutive grades from 9 to 12; [m]aintain adequate, safety protected records . . . ." Me. Rev. Stat. Ann. tit. 20-A, sec. 2902(6) (1983).

MARYLAND
Yes. "A noncollegiate educational institution shall: (1) Be open for inspection by the State Superintendent or his designee at all reasonable times; and (2) Furnish the reports and information required by the State Superintendent on the forms provided by the State Superintendent." Md. Educ. Code Ann. sec. 2-206 (Supp. 1983).

"Before a private noncollegiate education institution ends operations . . . the chief administrative officer of the institution shall file . . . the original or a legible copy of all essential records of the academic achievements of each former student . . . ." Md. Educ. Code Ann. sec. 2-304(b)(1) (1978).

The State Board of Education is required to establish guidelines for the program of instruction in public schools, and then distribute copies to private schools. Md. Educ. Code Ann. sec. 2-205(h)(2) (1978)

"The principal or head teacher of each public and private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the names of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out." Md. Educ. Code Ann. sec. 7-302 (1978).

"Each noncollegiate educational institution shall comply with the provisions of sec. 7-403.1(c) through (e) of this article [requiring scoliosis screening tests]." Md. Educ. Code Ann. sec. 2-206 (Supp. 1983).

"An individual who has turberculosis in a communicable stage may not work in any capacity in a public, private, or parochial school." Md. Educ. Code Ann. sec. 7-404 (Supp. 1983).

Protective eye devices must be worn by all students while involved in certain activities. Md. Educ. Code Ann. sec. 7-405 (1978).

MASSACHUSETTS
A loyalty oath is required of public and private school teachers. Mass. Gen. Laws ch. 71, sec. 30A (West 1982). However, this was held unconstitutional in Pedlovsky v.

MIT, 352 Mass. 127, 224 N.E.2d 414 (1967).

MICHIGAN
No.

MINNESOTA
Yes. "It shall be the duty of the principal, teacher, or other person in charge of any private school to make reports at such times and containing such information as is herein required respecting public schools." Minn. Stat. Ann. sec. 120.12 (Subd. 2) (West Supp. 1983). There are no statutory sanctions for noncompliance with these duties.

MISSISSIPPI
No.

MISSOURI
All students must wear protective eye glasses while involved in certain activities. Mo. Ann. Stat. sec. 170.005 (Vernon Supp. 1983).

MONTANA
Yes. Nonpublic schools must be housed in a building that complies with applicable local health and safety regulations, and must keep imminization records. Mont. Code Ann. secs. 20-5-201(1), (3) (1983).

NEBRASKA
Private school bus operators are required to obtain a permit following physical and driving examinations. Neb. Rev. Stat. sec. 79-488.06 (1982).

State Fire Day must be observed. Neb. Rev. Stat. sec. 79-4,122 (1982).

Private, denominational, and parochial schools (where parents have no religious objection to regulation) are subject to all the general school laws of the state governing grades, qualifications and certification of teachers, and must have adequate equipment and supplies. Neb. Rev. Stat. sec. 79-1701 (1982). Where parents file separate statements of religious objection to these regulations, less onerous rules apply. L.B. 928, secs. 2 and 3, signed into law April 10, 1984, *to be codified as* Neb. Rev. Stat. secs. 79-328(5) and 79-1701(2).

NEVADA
Private schools must conduct fire drills at least twice each month during the school year. Nev. Rev. Stat. sec. 394.170 (1979).

Private school buses used to transport children are subject to inspection at all times by the department of motor vehicles. Nev. Rev. Stat. sec. 394.190 (1979).

Unless excused because of religious belief or medical condition, children attending private schools must be immunized. Nev. Rev. Stat. sec. 394.192 (1979).

Prior to licensing, private schools must post a surety bond of not less than $5,000. Nev. Rev. Stat. sec. 394.271 (1979).

Teachers must show knowledge of United States and Nevada constitutions. Nev. Rev. Stat. sec. 394.160 (1979). Children are to be immunized and have received proper boosters for such immunization before enrolled in private school unless excused for religious belief or medical condition. Nev. Rev. Stat. sec. 394.192 (1979).

NEW HAMPSHIRE
All private schools must display an American flag not less than five feet in length. N.H. Rev. Stat. Ann. sec. 189:17 (1981). A teacher's loyalty oath is required in all state approved schools. N.H. Rev. Stat. Ann. secs. 191:1 through 191:5 (1977).

NEW JERSEY
Corporal punishment is prohibited, but reasonable force may be used when necessary (which is defined). N.J. Stat. Ann. sec. 18A:6-1 (West 1968).

NEW MEXICO
A fire drill at least once a week during the first four weeks of the school year, and at least once a month thereafter until the end of the school year. N.M. Stat. Ann. sec. 22-13-14 (Supp. 1983). Driver education courses are regulated. N.M. Stat. Ann. sec. 22-13-12 (1978).

NEW YORK
Fire inspections are required. N.Y. Educ. Law sec. 807-a (McKinney 1969 & Supp. 1983). School authorities in every school district are authorized to search

children "attending grades seven through twelve, inclusive, in the public and private schools located within such districts" for dangerous drugs. They must obtain the written request or consent of the child's parent or guardian. This "examination" shall be without notice to the child and may include taking a urine sample for analysis for detection of drug usage. N.Y. Educ. Law sec. 912-a (McKinney Supp. 1983).

NORTH CAROLINA
No.

NORTH DAKOTA
No.

OHIO
No.

OKLAHOMA
No.

OREGON
No.

PENNSYLVANIA
The operating license may be revoked for failure to "provide or maintain premises, equipment or conditions which are adequate, safe and sanitary . . . ." Pa. Stat. Ann. tit. 24, sec. 2742(9) (Purdon 1962).

Failure to allow inspection "of school or classes, or failure to make available to the [State Board of Education] . . . full information . . . pertaining to the program of instructing . . . " may lead to revocation of license to operate. Pa. Stat. Ann. tit. 24, sec. 2742(5) (Purdon 1962).

PUERTO RICO
No.

RHODE ISLAND
"The secretary of state upon the receipt by him of amendments to a charter of incorporation, as required by the general laws, which amendments shall add educational functions . . . shall submit the proposed amendments to

the board of education and shall not issue the certificate authorizing such changes unless and until he receives a certificate from the board of education stating that such changes have been approved." R.I. Gen. Laws sec. 16-40-3 (1981).

SOUTH CAROLINA
The State Board of Education is authorized and directed to promulgate rules and regulations for granting financial aid to students attending private schools. Such regulation shall include a minimum academic standards to be met by the school. S.C. Code Ann. sec. 59-41-60 (1976).

SOUTH DAKOTA
No.

TENNESSEE
When approving private schools, the commissioner must use the same standards used to approve public schools. Tenn. Code Ann. sec. 49-105(19) (1977).

"The state board of education and local boards of education are prohibited from regulating the selection of faculty or textbooks or the establishment of a curriculum in church related schools." Tenn Code Ann. sec. 49-5202 (1977).

TEXAS
"No person may be admitted to any elementary or secondary school . . . unless he has been immunized against diptheria, rubeola, rubella, tetanus, and poliomyelitis . . . ." Children are exempted from this requirement with an affidavit stating that it conflicts with their religious beliefs. Tex. Educ. Code Ann. sec. 2.09 (Vernon Supp. 1982).

UTAH
The local boards of education are responsible for determining what constitutes a regularly established private school. Opinion of the Attorney General, November 23, 1977.

VERMONT
Fire drills shall be held at least once a month, and a record of these must be kept.
Vt. Stat. Ann. tit. 16, sec. 1481 (1974).

Traffic safety patrols are authorized.
Vt. Stat. Ann. tit. 16, sec. 1482 (1974).

VIRGINIA
No.

VIRGIN ISLANDS
No.

WASHINGTON
No.

WEST VIRGINIA
Private and parochial secondary schools may elect to delegate control and supervision of interscholastic athletic events and other extracurricular activities to the West Virginia secondary school activities commission. If private schools participate, they shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school. W. Va. Code sec. 18-2-25 (1984).

WISCONSIN
No.

WYOMING
Schools are required to post a $10,000 performance bond prior licensing. Wyo. Stat. sec. 21-11-105 (1977). Parochial schools are not included in this requirement. Wyo. Stat. sec. 21-11-106 (1977).

TABLE III(C)

DO STATE STATUTES REQUIRE PRIVATE SCHOOLS TO OBTAIN A LICENSE BEFORE OPERATING?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 12, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
Mandatory. "No private school may operate without a certificate of authorization from the department of education, which shall be issued annually based upon inspection of the school. No school which does not maintain satisfactory standards of instruction, curriculum, and physical plant as prescribed by the director of education may be issued a certificate." Am. Samoa Code Ann. sec. 16.0701(b) (1983).

ARIZONA
No. See Ariz. Rev. Stat. Ann. sec. 15-802(B)(2) (Supp. 1982).

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Mandatory. Every educational institution must be incorporated and then licensed by the Educational Institution Licensure Commission before it can confer any valid degrees. D.C. Code sec. 29-815 (1981). The Commission "provides for the protection, education and welfare of the citizens of the District of Columbia, its private educational institutions, and its students, by:
(1) Establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive, or fraudulent institutions and practices . . . ." D.C. Code sec. 31-1601(1) (1981). Criminal sanctions are available. See D.C. Code sec. 29-819 (1981).

"The Commission shall utilize the regulation of the Board of Higher Education entitled "Regulations Relating to the Licensing of Institutions Which confer Degrees," issued July 1, 1970, until such time as the Commission wishes to amend this regulation." D.C. Code sec. 31-1606 (a) (1981).

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
Yes. A "permit" is mandatory. "Any person . . . desiring to establish a private school within the state shall, prior to the establishment thereof, make an application in writing . . . [which] shall state in substance (1) the name or names of persons desiring to establish the school, (2) the proposed location thereof, (3) the course of instruction and the language in which the instruction is to be given." Upon receipt and approval of the application, the department shall issue to the person . . . applying therefor a permit . . . authorizing the establishment of the school." Hawaii Rev. Stat. sec. 298-6 (1976).

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
Yes. A certificate of approval is required of all private schools with the exception of bona fide church schools. Md. Educ. Code Ann. sec. 2-206 (Supp. 1983).

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI

No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
Yes. Licensure is mandatory. "The application must be accompanied by the catalog or brochure published or proposed to be published by the institution. The application must also be accompanied by evidence of the required surety bond and payment of the fees required by law." Nev. Rev. Stat. sec. 394.251 (1979).

NEW HAMPSHIRE
No provision.

NEW JERSEY
No provision.

NEW MEXICO
Mandatory. Permits must be obtained for soliciting students where tuition is collected in advance of registration. "It is unlawful for any private school, or its agent, to canvass a prospective student in New Mexico for the purpose of selling to the student a scholarship or collecting tuition from the student in advance of the day for registration for the school without first obtaining a permit from the state board. This shall not be construed to prevent canvassing by schools for prospective students where no scholarship is sold or where no fee for tuition is collected in advance of registration. This shall also not be construed to prevent a school from advertising." N.M. Stat. Ann. sec. 22-13-16 (1978).

"The state board may revoke, at any time, any permit issued by it for satisfactory cause. Any person violating any provisions of this section is guilty of a petty misdemeanor." N.M. Stat. Ann. sec. 22-13-16 (C) & (D) (1978).

NEW YORK
No. See N.Y. Educ. Law sec. 5001 (McKinney 1981) (licensing provisions for proprietary schools; elementary and secondary schools are exempt).

NORTH CAROLINA
No. Only correspondence schools, private business or trade schools are required to be licensed. N.C. Gen. Stat. sec. 115C-568 (1983).

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
Mandatory. However, "[t]he provision of this act [regulating Private Academic Schools] shall not apply to . . . schools or classes owned and operated by or under the authority of bona fide religious institutions, . . . or schools accredited by accrediting associations, approved by the State Council of Education, but such schools may choose to apply for a license and upon approval and issuance thereof, shall be subject to the provisions of this act." Pa. Stat. Ann. tit. 24, sec. 2734 (Purdon 1962).

PUERTO RICO
Yes. "No natural or juridical person shall operate a preschool, primary or secondary academic . . . institution . . . if he is not authorized by a license issued by the Secretary of Education . . . ." P.R. Laws Ann. tit. 18, sec. 2101 (Supp. 1982). Criminal sanctions are provided in sec. 2108 (Supp. 1982).

RHODE ISLAND

No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
Yes. The State Board of Education may require a license and set minimum standards under Wyo. Stat. sec. 21-11-101 (Supp. 1983). A licensure fee of not more than $50 is assessed by the State Board of Education to be paid into the general fund. Wyo. Stat. sec.

21-11-102 (1977). A violation of licensing requirements is punishable by fine and imprisonment. Wyo. Stat. sec. 21-11-107 (Supp. 1983). Parochial schools are exempted from this requirement. Wyo. Stat. sec. 21-11-106 (1977).

TABLE III(D)

DO STATE STATUTES REQUIRE PRIVATE SCHOOLS TO REGISTER WITH THE STATE BEFORE OPERATING?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 12, 1984

ALABAMA
Yes. The "number of pupils, number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property and general condition of school" must be reported. Church schools are exempted. Ala. Code sec. 16-1-11 (Supp. 1982). A church school "[i]ncludes only such schools as offer instruction in grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operates as a minstry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding." Ala. Code sec. 16-28-1(2) (Supp. 1982).

ALASKA
No provision.

AMERICAN SAMOA
Yes. Each school seeking authorization by the director for the first time shall submit the following information: (1) a statement of the aims and purposes of the school; (2) the names and addresses of the sponsors and supporters of the school: (3) the ages, grades and sex of the children to be enrolled; (4) the amount of tuition to be charged; and, (5) the curriculum to be pursued. Am. Samoa Code Ann. sec. 16.0701(c) 1983.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Yes. Application must be made for a license, "in writing [and] upon forms prepared under the direction of the Educational Institution Licensure Commission . . . ." D.C. Code sec. 29-816 (1981).

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision.

KANSAS
"Each official custodian of a private elementary or secondary school shall register the name and address . . . with the state board of education." Kan. Stat. Ann. sec. 72-53,101(a) (1982).

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No. However, the school committee of every town is to compile an annual report which includes the number of children, names and ages attending private schools. Mass. Gen. Laws ch. 72, sec. 2 (West 1982).

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA

No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No provision.

NEW JERSEY
No. Note that private boarding schools must register with the commissioner of education, but this provision does not apply to schools operated by charitable or religious organizations. N.J. Stat. Ann. sec. 18A:69-1 (West 1968).

NEW MEXICO
No provision.

NEW YORK
No provision.

NORTH CAROLINA
Yes. "Any new [private] school . . . shall send to a duly authorized representative of the State of North Carolina a notice of intent to operate, name and address of the school, and name of the school's owner and chief administrator." N.C. Gen. Stat. sec. 115C-552 (1983).

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
Yes. "A school may be registered as a private school with the Department of Education . . . ." Or. Rev. Stat. sec. 345.515 (1981).

PENNSYLVANIA
Implied. "The state board of education shall maintain a list of schools and agents licensed . . . ." Pa. Stat. Ann. tit. 24, sec. 2740 (Purdon 1962).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "All private schools shall be registered at the office of the department of education . . . showing location, name, officers or persons in charge, grade of instruction and common language used in teaching. They shall also make a report annually in July to board of regents." R.I. Gen. Laws sec. 16-40-11 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
Yes. Private schools may be "reporting private schools" and provide a statement of the school's objectives to the state board. Vt. Stat. Ann. tit. 16, sec. 165a (Supp. 1983).

VIRGINIA
No provision.

VIRGIN ISLANDS

No provision.

WASHINGTON
Yes. The private school must file "a statement certifying that the minimum requirements . . . are being met . . . ." Wash. Rev. Code sec. 28A.02.201 (1982).

WEST VIRGINIA
Yes. Any private school which elects not to be approved by the county board shall send the state superintendent of schools a notice of intent to operate or a notice of termination. W. Va. Code sec. 18-28-5 (1984).

WISCONSIN
No provision.

WYOMING
No provision.

TABLE III(E)

DO STATE STATUTES REQUIRE THAT TEACHERS IN A PRIVATE SCHOOL BE CERTIFIED?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
Yes. Ala. Code sec. 16-28-1(1)(a) (Supp. 1982). However, church schools are exempted from this requirement. Ala. Code sec. 16-28-1(2) (Supp. 1982). A church school "[i]ncludes only such schools as offer instruction in grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operated as a minstry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding." Ala. Code sec. 16-28-1(2) (Supp. 1982).

ALASKA
No. The compulsory education law may be satisfied if the child is in a private school in which teachers are certified, or in an exempt religious or other private school. Alaska Stat. secs. 14.30.010(b)(1)(A), (C) (1982).

AMERICAN SAMOA
Yes. All teachers must be certified. Am. Samoa Code Ann. sec. 16.1001 (1983).

ARIZONA
No provision. Cf. Ariz. Rev. Stat. Ann. sec. 15-802(B)(2) (Supp. 1982).

ARKANSAS
No provision.

CALIFORNIA
No. Teachers need only be "capable of teaching" in private schools. Cal. Educ. Code sec. 48222 (West 1978). Foreign language instructors in private school do not need to be credentiated, even where public school students are taking instruction and receiving credit.

Cal. Educ. Code sec. 51245 (West 1978).

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
Yes. "No person shall serve as a teacher in any school without first having obtained a certificate from the department of education." Hawaii Rev. Stat. sec. 297-2 (1976). School is defined as "[e]very academic and non-college type of school, whether under governmental supervision or otherwise, except sabbath schools which convene once a week." Hawaii Rev. Stat. sec. 297-2 (1976).

IDAHO
Yes. "Every person who is employed to serve in any elementary or secondary school in the capacity of teacher . . . shall be required to have and to hold a certificate issued under authority of the state board of education . . . ." Idaho Code sec. 33-1201 (1981).

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Yes. The child must receive "equivalent instruction by a certified teacher . . . ." Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
Yes. The state board of education shall insure the "[c]ertification of administrators, teachers, counselors, school nurses and supervisors of school districts and of the state department of education and of teachers and administrators of nonpublic schools." Kan. Stat. Ann. sec. 72-7513(a)(4) (1980). Personnel evaluation of nonpublic employees is provided for under Kan. Stat. Ann. secs. 72-9001 through 72-8006 (1980).

KENTUCKY
No. *See*, *Rudasill v. Ky. State Board*, 589 S.W. 2d 877 (Ky. 1979).

LOUISIANA
No. However, regulations require that teachers meet standards established by the State Board of Elementary and Secondary Education. *See* La. Rev. Stat. Ann. sec. 17:411 (West Supp. 1981); La. Rev. Stat. Ann. sec. 17:7(8) (West Supp. 1981).

MAINE
Yes. "Private schools approved for attendance puposes shall: [e]mploy only certified teachers . . . ." Me. Rev. Stat. Ann. tit. 20-A sec. 2902(5) (1983).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Yes. "No person shall teach or give instruction in any of the regular or elementary grades studies in any private,

denominational or parochial school within this state who does not hold a certificate such as would qualify . . . to teach in a public school."
Mich. Comp. Laws Ann. sec. 388.553 (West Supp. 1983).

MINNESOTA

No. Private school teachers must have qualifications "essentially equivalent to the minimum standards for public school teachers," but certification is not required. Minn. Stat. Ann. sec. 120.10 (subd. 2) (West Supp. 1983).

MISSISSIPPI

No provision.

MISSOURI

No provision.

MONTANA

No provision.

NEBRASKA

Yes. However, for schools where parents have religious objections to regulation, teacher certification is not required, although teachers must take a competency test and low scores may be used by state officials as evidence that the school is not meeting basic requirements. L.B. 928, sec. 3, signed into law April 10, 1984, *to be codified as* Neb. Rev. Stat. sec. 79-1701(3). For other private schools, teachers must be certified, except for teacher's aides, who may not assume any teaching responsibilities. Neb. Rev. Stat. sec. 79-1233 (1982).

NEVADA

No. Teacher's qualifications must be sufficient to "reasonably insure that the students will receive education consistent with the objectives of the course or program of study." Nev. Rev. Stat. sec. 394.241(1)(c) (1979).

NEW HAMPSHIRE

No provision.

NEW JERSEY

No provision.

NEW MEXICO
No provision. However, all teachers in public and private schools must present a certificate indicating that they are free of "all communicable diseases in a transmissible state." N.M. Stat. Ann. sec. 22-10-10 (1978).

NEW YORK
No. However, "[i]nstruction may be given only by a competent teacher." N.Y. Educ. Law sec. 3204(2) (McKinney Supp. 1983).

NORTH CAROLINA
No. Only teachers employed "in the public schools of the State or in schools receiving public funds" are required to hold or be qualified to hold certificates. N.C. Gen. Stat. sec. 115C-295 (1983).

NORTH DAKOTA
Yes. "No [private] school shall be approved unless the teachers therein are legally certified in the state of North Dakota . . . ." N.D. Cent. Code sec. 34.1-03(1) (1981).

OHIO
Yes. "In the case of non-tax supported schools, standards for teacher certification . . . shall provide for certification without further educational requirements of any administrator, supervisor or teacher who has attended and received a bachelor's degree from a college or university accredited by a national or regional association in the United States, or who, at the discretion of the state board of education, has an equivalent degree from a foreign college or university of comparable standing." Ohio Rev. Code Ann. sec. 3301.071 (Page 1980).

OKLAHOMA
No. Teachers need only be certified if the school seeks state accreditation. "No private, parochial or other nonpublic school may be accredited unless the members of the faculty hold state certificates as required of teachers in public schools . . . ." Okla. Stat. Ann. tit. 70, sec. 3-104(10) (West Supp. 1982).

OREGON

No. Schools choosing to register must show that "[t]he teachers . . . . are possessed of those qualifications necessary to establish the applicant's fitness as a teacher, but such qualifications shall not include the requirement that teachers be certified." Or. Rev. Stat. sec. 345.525(2)(a) (1982).

PENNSYLVANIA

No. Private religious schools and schools accredited by approved accrediting associations are exempt from the requirement that schools employ certified teachers. *See* Pa. Stat. Ann. tit. 24, sec. 2734 (Purdon 1962).

PUERTO RICO

Yes. "The Secretary of Educaiton shall not issue or approve any appointment as teacher to work in public schools and accredited private schools in Puerto Rico to any person who does not hold a teacher's certificate in force of the grade appertaining to the position covered by such appointment." P.R. Laws Ann. tit. 18, sec. 266 (1974).

RHODE ISLAND

No provision.

SOUTH CAROLINA

No provision.

SOUTH DAKOTA

Yes. "No person shall be permitted to teach in any nonpublic school any of the courses prescribed to be taught in the public schools unless such person shall hold a certificate entitling him to teach the same courses in the public schools of this state." S.D. Codified Laws Ann. sec. 13-4-2 (1982). The penalty for teaching without a certificate in a nonpublic schools is $100-$500. S.D. Codified Laws Ann. sec. 13-42-2 (1982).

TENNESSEE

No provision.

TEXAS

No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
Yes. "Licenses to teach shall be required of all persons teaching in schools other than public schools . . . ." V.I. Code Ann. tit. 17, sec. 126(a) (1976).

WASHINGTON
Yes. All classroom teachers must be certified except teachers of religions and courses for which there is no counterpart in the public schools, or persons of unusual competance under the supervision of a certified teacher. Wash. Rev. Code sec. 28A.02.201(3) (1982).

WEST VIRGINIA
No provision.

WISCONSIN
No. "Private schools are not obligated to employ only licensed or certified teachers." Wis. Stat. Ann. sec. 115.28(7)(b) (West Supp. 1983).

WYOMING
No provision.

TABLE III(G)(1)

DO STATE STATUTES PROVIDE FOR ENFORCEMENT OF REGULATION OF PRIVATE EDUCATION: ARE PARENTS SUBJECT TO PENALTIES?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 12, 1984

ALABAMA
Yes. Ala. Code sec. 16-28-12 (1975).

ALASKA
Yes. Alaska Stat. sec. 14.030.010(a) (1982).

AMERICAN SAMOA
Yes. Am. Samoa Code Ann. sec. 16.0308(d) (1983).

ARIZONA
Yes. Ariz. Rev. Stat. Ann. secs. 15-802(B)(2), (C) (Supp. 1982).

ARKANSAS
Yes. Ark. Stat. Ann. secs. 80-1508, 80-1511 (1980).

CALIFORNIA
Yes. Cal. Educ. Code secs. 48293, 48454 (West Supp. 1983).

COLORADO
Yes. Colo. Rev. Stat. sec. 22-33-108(8) (1973).

CONNECTICUT
Yes. Conn. Gen. Stat. Ann. sec. 10-185 (West Supp. 1983).

DELAWARE
Yes. Del Code Ann. tit. 14, sec. 270.9 (Supp. 1982).

DISTRICT OF COLUMBIA
Yes. D.C. Code sec. 31-407 (1981).

FLORIDA

Yes. Fla. Stat. Ann. sec. 232.19(6) (West Supp. 1983).

GEORGIA

Yes. S.B. 504, signed into law May, 1984, *to be codified as* Ga. Code sec. 20-2-690.1.

GUAM

Yes. Guam Code Ann. tit. 17, sec. 6102 (1982).

HAWAII

Yes. Hawaii Rev. Stat. sec. 298-12 (Supp. 1982).

IDAHO

Yes. Idaho Code sec. 33-207 (1981).

ILLINOIS

Yes. Ill. Ann. Stat. ch. 122, sec. 26-10 (Smith-Hurd Supp. 1983).

INDIANA

Yes. Ind. Code Ann. sec. 20-8.1-3-33 (Burns Supp. 1983).

IOWA

Yes.

Iowa Code Ann. secs. 299.6, 299.19, 903.1 (West Supp. 1983).

KANSAS

No provision.

KENTUCKY

Yes. Ky. Rev. Stat. Ann. sec. 159.010 (1980).

LOUISIANA

Yes. La. Rev. Stat. Ann. secs. 17:221(A), 17:221.1 (West 1982).

MAINE

Yes. Me. Rev. Stat. Ann. tit. 20-A, sec. 5053(4) (1983).

MARYLAND
Yes. Md. Educ. Code Ann. sec. 7-301(2) (1978).

MASSACHUSETTS
Yes. Mass. Gen. Laws ch. 76, sec. 2 (West 1982).

MICHIGAN
Yes. Mich. Comp. Laws Ann. sec. 380.1599 (West Supp. 1983).

MINNESOTA
Yes. Minn. Stat. Ann. sec. 120.12 (Subd. 3) (West Supp. 1983).

MISSISSIPPI
No. *See* Miss. Code Ann. sec. 37-13-101 (Supp. 1982).

MISSOURI
Yes. Mo. Ann. Stat. sec. 167.061 (Vernon 1959).

MONTANA
Yes. Mont. Code Ann. 20-5-106(2) (1983).

NEBRASKA
Yes. Neb. Rev. Stat. sec. 79-216 (1982).

NEVADA
Yes. Nev. Rev. Stat. sec. 392.040 (1981).

NEW HAMPSHIRE
Yes. N.H. Rev. Stat. Ann. sec. 193:7 (1977).

NEW JERSEY
Yes. N.J. Stat. Ann. sec. 18A:69-6 (West 1968).

NEW MEXICO
Yes. N.M. Stat. Ann. sec. 22-12-7 (Supp. 1983).

NEW YORK

Yes. N.Y. Educ. Law secs. 3212, 3233 (McKinney 1981).

NORTH CAROLINA
Yes. N.C. Gen. Stat. sec. 115C-378 (1983).

NORTH DAKOTA
Yes. N.D. Cent. Code sec. 34.1-05 (1981).

OHIO
Yes. Ohio Rev. Code Ann. secs. 3321.38, 3321.99 (Page 1980).

OKLAHOMA
Yes. Okla. Stat. Ann. tit. 70, sec. 10-105(b) (West Supp. 1982).

OREGON
Yes. Or. Rev. Stat. sec. 339.990 (1981).

PENNSYLVANIA
Yes. Pa. Stat. Ann. tit. 24, sec. 13-1337 (Purdon Supp. 1983).

PUERTO RICO
Yes. P.R. Laws Ann. tit. 18, sec. 80(g) (1974).

RHODE ISLAND
Yes. R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
Yes. S.C. Code sec. 59-65-20 (1976).

SOUTH DAKOTA
Yes. S.D. Codified Laws Ann. sec 13-27-11 (1982).

TENNESSEE
Yes. Tenn. Code Ann. sec. 49-1723 (1977).

TEXAS
Yes. Tex. Educ. Code Ann. sec. 4.25 (Vernon 1972).

UTAH
Yes. Utah Code Ann. sec. 53-24-1 (1981).

VERMONT
Yes. Vt. Stat. Ann. tit. 16, sec. 1127 (Supp. 1983).

VIRGINIA
Yes. Va. Code sec. 22.1-263 (1980).

VIRGIN ISLANDS
Yes. V.I. Code Ann. tit. 17, sec. 86(d) (1976).

WASHINGTON
Yes. Wash. Rev. Code sec. 28A.27.100 (1982).

WEST VIRGINIA
Yes. W. Va. Code sec. 18-8-2 (1984).

WISCONSIN
Yes. Wis. Stat. Ann. sec. 118.15(5) (West Supp. 1983).

WYOMING
Yes. Wyo. Stat. sec. 21-4-105 (1977).

TABLE III(G)(2)

DO STATE STATUTES ENFORCE REGULATION OF PRIVATE EDUCATION THROUGH WITHHOLDING STATE AID (IN ANY FORM) TO PRIVATE SCHOOLS? -- OR TO THEIR PUPILS?

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ALABAMA
Not applicable. State law contains no provision for assistance to private schools.

ALASKA
No provision.

AMERICAN SAMOA
Not applicable. American Samoa does not provide for any form of aid to private schools.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Not applicable. State law contains no provision for assistance to private schools.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
Yes. However it is limited: the textbook loan program is not available to schools that fail to comply with Title VI of the Civil Rights Act of 1964. (Federal nondiscrimination requirements). Ill. Ann. Stat. ch. 122, sec. 18-17 (Smith-Hurd Supp 1983).

INDIANA
Not applicable. State law contains no provision for assistance to private schools.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. Transportation services are not available to nonpublic schools that discriminate racially. La. Rev. Stat. Ann. sec. 17:158(F) (West 1982). Personal tax credits for tuition payments will not be allowed if the school does not comply with the Civil Rights Act of

1964. La. Rev. Stat. Ann. secs. 47:85 through 47:89 (West Supp. 1983).

See also, Brumfield v. Dodd, 405 F. Supp. 338 (E.D. La 1975), supplemented at 425 F. Supp. 528 (E.D. La 1977) (held, state aid may not be provided to private schools that discriminate racially).

MAINE
Yes. A private school is eligible for the state tuition reimbursement program only if it is approved by the department; compliance with the compulsory education law is part of the approval process. The school must be nonsectarian "in accordance with the First Amendment of the United States Constitution." Me. Rev. Stat. Ann. tit. 20-A, sec. 2951 (1983).

MARYLAND
Yes. "[A]n institution that does not have a certificate of approval from the State Board may not recive State funds . . . ." Md. Educ. Code Ann. sec. 2-206 (Supp. 1983).

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
Yes. If the nonpublic school improperly misuses individualized instructional materials, "[t]he state board of education shall . . . terminate the eligibility of any nonpublic school" for receiving aid. Minn. Stat. Ann. sec. 123.947 (d) (West Supp. 1983). Also, private schools which discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance or disability may have their licenses revoked. Minn. Stat. Ann. secs. 363.03(5), 363.01(2), 363.071(4) (West Supp. 1983).

MISSISSIPPI
Yes. However, it is limited: the textbook program is available only to schools that meet state standards. Miss. Code Ann. sec. 37-43-1 (Supp. 1981).

MISSOURI
Not applicable. State law contains no provision for assistance to private schools.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No provision.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No provision.

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. However, it is limited: tuition credits are available only if the child is enrolled in a school that meets minimum state standards, and does not discriminate racially. Ohio Rev. Code Ann. sec. 5745.05 (Page 1980).

OKLAHOMA
No provision.

OREGON
Not applicable. State law contains no provision for assistance to private schools.

PENNSYLVANIA
No provision.

PUERTO RICO
Not applicable. State law contains no provision for assistance to private schools.

RHODE ISLAND
No provision.

SOUTH CAROLINA
Not applicable. State law contains no provision for assistance to private schools.

SOUTH DAKOTA
No provision.

TENNESSEE
Not applicable. State law contains no provision for assistance to private schools.

TEXAS
No provision.

UTAH
No provision.

VERMONT
Not applicable. State law contains no provision for assistance to private schools.

VIRGINIA
Not applicable. State law contains no provision for assistance to private schools.

VIRGIN ISLANDS
Yes. "Subsidies from Government funds available for

such purpose may be granted to schools other than public schools, for strictly educational purposes . . . . However, no subsidy or financial help shall be given by the Government to denominational or sectarian schools or institutions. Subsidies may be withdrawn at any time by the Board upon the recommendation of the Commissioner." V.I. Code Ann. tit. 17, sec. 191 (1976).

WASHINGTON
No provision.

WEST VIRGINIA
Yes. Voluntary participation in state sponsored programs is available to those private schools electing to meet state standards for private schools. W. Va. Code sec. 18-28-4 (1984).

WISCONSIN
Not applicable. State law contains no provision for assistance to private schools.

WYOMING
No provision.

TABLE III (G) (3)

DO STATE STATUTES PROVIDE FOR SANCTIONS TO ENFORCE STATE LAW AFFECTING PRIVATE EDUCATION (OTHER THAN CRIMINAL SANCTIONS UNDER THE COMPULSORY EDUCATION OR SCHOOL ATTENDANCE LAW OR WITHHOLDING OF STATE ASSISTANCE)?

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ALABAMA
No.

ALASKA
No.

AMERICAN SAMOA
"Schools organized by pastors and held outside of regular public school hours shall be designated as faifeau schools." Am. Samoa Code Ann. sec. 16.0801 (1983). "Whenever the director of education is convinced that a "faifeau" school is interfering with the work of the public schools, he shall have the authority to determine the time and religious hours of their instruction and to enforce a modification of their program of study." Am. Samoa Code Ann. sec. 16.0802 (1983).

ARIZONA
No.

ARKANSAS
No.

CALIFORNIA
No.

COLORADO
No.

CONNECTICUT

No.

DELAWARE
No.

DISTRICT OF COLUMBIA
"A license once issued may be revoked by said Educational Institution Licensure Commission for noncompliance on the part of any individuals or individuals, associations, or incorporated institutions so licensed . . . ." D.C. Code sec. 29-817 (1981).

"Any person who shall . . . assist in the conferring of any degree by an unlicensed institution . . . shall be deemed guilty of a misdemeanor . . . ." The fine can be up to $2000, up to two years imprisonment, or both. D.C. Code sec. 29-819 (1981).

FLORIDA
No.

GEORGIA
No.

GUAM
No.

HAWAII
No.

IDAHO
No.

ILLINOIS
No.

INDIANA
No.

IOWA
"The State Board shall remove for cause, after due investigation and notice, any school . . . from the approved list which fails to comply with such approval

standards . . . ." Iowa Code Ann. sec. 257.25(11) (West Supp. 1983).

KANSAS
Accreditation may be rescinded. Kan. Stat. Ann. sec. 72-1111(8) (1980).

KENTUCKY
No.

LOUISIANA
No.

MAINE
No.

MARYLAND
No.

MASSACHUSETTS
No.

MICHIGAN
Any private educational institution, junior college, college or university which employs any person who does not meet teacher certification requirements forfeits its property tax exemption status so long as it retains the noncertified teacher. Mich. Comp. Laws Ann. sec. 388.402 (West 1976).

"The superintendent of public instruction . . . shall have authority at any time to investigate and examine into the conditions of any school operating under [the private school] act." Mich. Comp. Laws Ann. sec. 388.555 (West 1976).

In addition, a violation of these provisions will result in a hearing where the private school will be allowed time to obey the superintendent of public instruction's orders. Non-compliance results in the closing of the school. Mich. Comp. Laws Ann. sec. 388.554 (West 1976).

MINNESOTA
No.

MISSISSIPPI
No.

MISSOURI
No.

MONTANA
No.

NEBRASKA
No.

NEVADA
No.

NEW HAMPSHIRE
No.

NEW JERSEY
The operation of a private school (other than religious or charitable schools) without obtaining a certificate of approval from the state is a misdemeanor. This provision applies only to private boarding schools. N.J. Stat. Ann. sec. 18A:69-6 (West 1968).

NEW MEXICO
No.

NEW YORK
No.

NORTH CAROLINA
No.

NORTH DAKOTA
No.

OHIO
No.

OKLAHOMA
No.

OREGON
No.

PENNSYLVANIA
No

PUERTO RICO
No.

RHODE ISLAND
No.

SOUTH CAROLINA
Private school buses must conform to state laws and regulations of the State Board of Education pertaining to public school buses. Private school buses not complying must paint buses a color other than yellow and do not receive protection of the laws as a school bus. S.C. Code Ann. sec. 59-67-40 (1976).

SOUTH DAKOTA
Failure to file attendance reports is a misdemeanor and is sufficient grounds for revocation of teacher's certificate. S.D. Codified Laws Ann. secs. 13-4-4, 13-4-5 (1982).

TENNESSEE
No.

TEXAS
No.

UTAH
No.

VERMONT
Failure to comply with the minimum course of study prescribed by the State Board, or misrepresentation of

its approval status, constitutes criminal false advertising and is punishable by fine up to $1,000. Vt. Stat. Ann. tit. 13, sec. 2005 (1974).

Upon revocation or suspension of approved status, students enrolled in that school become truant unless they enroll in an acceptable school. Vt. Stat. Ann. tit. 16, sec. 166(e) (Supp. 1983).

VIRGINIA
No.

VIRGIN ISLANDS
No.

WASHINGTON
No.

WEST VIRGINIA
No.

WISCONSIN
No.

WYOMING
No.

TABLE III(H)(1)

DO STATE STATUTES REQUIRE TEACHERS IN PRIVATE SCHOOLS TO TAKE OR PASS ANY FORM OF TEST?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 12, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
Implied. "The commission on teacher training and licensing . . . shall . . . accredit and inspect teacher training schools and department . . . and specify the kinds of licenses for graduates . . . ." Ind. Code Ann. sec. 20-6.1-2-1 (Burns Supp. 1983).

It is unclear whether "teacher" includes private school instructors. Teacher is defined as "a professional person whose position in the school corporation requires certain teacher preparations and licensing. The term includes, but is not limited to, any superintendent, supervisor, principal, attendance officer, teacher or librarian." Ind. Code Ann. sec. 20-6.1-1-8 (Burns Supp. 1983).

IOWA
No. However, the Professional Teaching Practices Commission which develops criterion for maintaining the professional reputation at large. Such criterion are "competent performance . . . ethical practice . . . [and] contractual obligations." Iowa Code Ann. sec. 272A.6 (1981 and West Supp. 1983).

KANSAS
No. However the state board may grant automatic teacher certification upon a perusual of any college or university's course of study "[I]f the course of study and the character of the work done . . . prepares

graduates to teach successfully . . . the state board shall place such institution on the accredited list." Kan. Stat. Ann. sec. 72-1371(1980).

"The State Board of Education, in accordance with the law, is authorized to make rules and regulations covering the issuance . . . of certificates for teachers . . . under the general supervision of the state boad of education." Kan. Stat. ann. sec. 72-1388(1980).

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
Yes. However, for schools where parents have religious

objections to regulation, teacher certification is not required, although teachers must take a competency test and low scores may be used by state officials as evidence that the school is not meeting basic requirements. L.B. 928, sec. 3, signed into law April 10, 1984, *to be codified as* Neb. Rev. Stat. sec. 79-1701(3).

NEVADA
Yes. Teachers must show, by examination or credentials, adequate knowlege of the U.S. and Nevada constitutions. Nev. Rev. Stat. sec. 394.160 (1979).

NEW HAMPSHIRE
No provision.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No provision.

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
Yes. If the school desires accreditation, in order to become certified, a teacher must pass curriculum examinations to ensure "academic achievementof each licensed teacher in the area such teacher is certified to teach . . . ." Okla. Stat. Ann. tit. 70, sec. 6-1561(a) (West Supp. 1982).

OREGON

No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE III(H)(2)

DO STATE STATUTES REQUIRE STUDENTS IN PRIVATE SCHOOLS TO TAKE ANY FORM OF TEST?

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ALABAMA
No provision.

ALASKA
Yes. Private schools have an option between using certified teachers or testing the children. A child is excused from compulsory attendance in a public school if the child is in attendance at a private school that administers a nationally standardized test to students in grades four, six and eight at least once each school year. HCS-CSSB 354(Rls)(March 8, 1984) to be codified as Alaska Stat. Sec. 14.45.120.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
Yes. There is a ninth grade statewide proficiency examination, covering basic reading, language arts and mathematics skills. The test applies to pupils in public schools and endowed or incorporated private schools. Although pupils who tested below the statewide level of expected performance must be annually retested,

no school (public or private) is permitted to require achievement of a satisfactory test score as a graduation requirement. Conn. Gen. Stat. Ann. sec. 10-14n (West Supp. 1983).

DELAWARE

No. However, there is an option for testing. In order to qualify for an exemption from the public school attendance requirement a child must take "a written examination" to show that he is "elsewhere receiving regular and thorough instruction in the subjects prescribed for the public schools of the State, in a manner suitable to children of the same age and stage of advancement." Del. Code Ann. tit. 14, sec. 2703(a) (Supp. 1982). If this procedure is not followed, a written certificate from a private school teacher "shall be satisfactory evidence" to school officials that the child is receiving "regular and thorough instruction as required." Del. Code Ann. tit. 14, sec. 2703(b) (1981). The testing option is hardly ever used, according to state department officials.

DISTRICT OF COLUMBIA

No provision.

FLORIDA

No provision.

GEORGIA

No provision.

GUAM

No provision.

HAWAII

No provision.

IDAHO

No provision.

ILLINOIS

No provision.

INDIANA

No provision.

IOWA

Yes. Private schools seeking exemption from state curriculum requirements must offer "proof of achievement," based on testing or evaluation." Iowa Code Ann. sec. 280.3 (West Supp. 1983). Also, "The board of directors of each public school district and the authorities in charge of each private school shall . . . establish and implement continuously evaluated . . . plans to attain the desired levels of pupil achievement." Iowa Code Ann. sec. 280.12(3) (West Supp. 1983).

KANSAS

Yes. "[I]t is the purpose of the educational system in Kansas to insure that each pupil is afforded similar opportunities for learning without regard to local geographical differences or varying economic factors . . . [t]he state in cooperation with schools may determine whether such purpose is being accomplished through development and administration of a minimum competency assessment program." Kan. Stat. Ann. sec. 72-9401 (Supp. 1982). Tests are given in the second, fourth, sixth, eighth and eleventh grades. Kan. Stat. Ann. sec. 72-9404 (Supp. 1982).

KENTUCKY

No provision.

LOUISIANA

No provision.

MAINE

No provision.

MARYLAND

No provision.

MASSACHUSETTS

No provision.

MICHIGAN

No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
Yes. "No pupil shall receive a certificate of graduation from any public or private school . . . unless he has satisfactorily passed an examination on the provisions and principles of the constitution of the United States and of the state of Missouri, and in American history and American institutions." Mo. Ann. Stat. sec. 170.011(1) (Vernon 1959).

MONTANA
No provision.

NEBRASKA
Yes, if the state board adopts regulations. It has authority to require testing of students in schools that are not accredited by the state (because parents have submitted religious objections). L.B. 928, sec. 2 and L.B. 994, sec. 6, signed into law April 10, 1984, to be codified as Neb. Rev. Stat. sec. 79-328(5)(c).

NEVADA
Yes. Children must pass an examination on the constitutions of Nevada and the United States. Nev. Rev. Stat. sec. 394.150 (1979).

NEW HAMPSHIRE
No provision.

NEW JERSEY
No. Although, there is a new statewide student competency test required for high school diplomas, it does not mention private schools. See N.J. Stat. Ann. sec. 18A:7C-1 through 7C-9 (West Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
No. However, there is a state Regents' testing program for high school students, which is open to any student. N.Y. Educ. Law sec. 209 (McKinney 1969).

NORTH CAROLINA
Yes. "Each private church school or school of religious charter shall administer, at least once in each school year, a nationally standardized test, or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades one, two, three, six and nine. The nationally standardized test . . . must measure achievement in the areas of English grammar, reading, spelling and mathematics." N.C. Gen. Stat. sec. 115C-549 (1983). "To assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function in society, each private church school or school of religious charter shall administer at least once in each school year, a nationally standardized test or other nationally standardized equivalent measure selected by the chief administrative officer of such school, to all students enrolled and regularly attending the eleventh grade." N.C. Gen. Stat. sec. 115C-550 (1983).

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
Yes. Pupils attending elementary and secondary approved schools "shall be administered tests under the supervision of the state department of education in accordance with said program." R. I. Gen. Laws sec. 16-22-9 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Yes. "The child [in alternative instruction] shall annually take a nationally standardized achievement test of the basic skills, such test to be the same as the test designated to be used in the public school district where the child is instructed." S.D. Codified Laws Ann. sec. 13-27-2 (1982).

TENNESSEE
No. But see "Local boards may place students transferring from a church related school to a public school in a grade level based upon the student's performance on a test administered by the board for that purpose." Tenn. Code Ann. sec. 49-5203 (1977).

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision for private schools.

WASHINGTON
No provision.

WEST VIRGINIA
Yes. Private schools which do not choose to be approved by county boards of education must participate in a comprehensive basic skills standardized testing program. to meet county board approval requirements. Annual testing is to be done in English, grammar, reading, social studies, science and mathematics. School composite test results shall be furnished to the state upon request. If such results fall below the fortieth percentile on selected tests for any single year, the school shall begin a remedial program. If results continue below that level for more than two consecutive years, attendance at the school will no longer qualify students for an exemption from compulsory public school attendance until the standards are met. W. Va. Code sec. 18-28-3 (1984).

WISCONSIN
No provision.

WYOMING
No provision.

TABLE IV

IS HOME INSTRUCTION EXPRESSLY PERMITTED UNDER STATE STATUTE?

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ALABAMA
Yes. Instruction at home is permitted if given by a certified private tutor. Ala. Code sec. 16-28-5 (1975).

ALASKA
Yes. A child satisfies the compulsory education requirement if he is "equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request is made in writing by the child's parent or guardian, and approved by the principal or administrator of the school that the child attends. Alaska Stat. sec. 14.030.010(b)(11) (1982).

AMERICAN SAMOA
No provision.

ARIZONA
Yes. The requirement is met if the "child is instructed at home by a person passing the reading, grammar and mathematics proficiency examination . . . in the subjects given in the common schools of this state . . . and the child takes the nationally standardized achievement test each year. The parent . . . satisfies the condition of this paragraph by filing with the county school superintendent a copy of the child's achievement test results each year and an affidavit stating that the child is being taught at home." Ariz. Rev. Stat. Ann. sec. 15-802(B)(1) (Supp. 1983).

ARKANSAS
No provision.

CALIFORNIA
Yes. "Children who are being instructed in study and recitation . . . by a private tutor or other person

. . . shall be exempted." A teacher at home must be a certified tutor. Cal. Educ. Code sec. 48224 (West 1978).

COLORADO
No. The compulsory attendance requirement does not apply to a child who is being instructed at home under an established program of home study approved by the state board of education. Colo Rev. Stat. sec. 22-33-104(2)(i) (1973).

CONNECTICUT
Yes. Home instruction is allowed if instruction is equivalent to that of public schools. Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983).

DELAWARE
Yes. The compulsory attendance requirement does not apply if the child "is elsewhere receiving regular and thorough instruction in the subjects prescribed for the public schools of the State, in a manner suitable to children of the same age and stage of advancement." The superintendent of school districts, and an individual designated by the State Board of Education, must approve the program of instruction. Del. Code Ann. tit. 14, sec. 2703 (1981 & Supp. 1982).

DISTRICT OF COLUMBIA
Yes. Home instruction is permitted as long as the instruction is equivalent to public school instruction. D.C. Code sec. 31-40 (1981).

FLORIDA
Yes. The compulsory schooling requirement may be met by attendance "[a]t home with a private tutor who meets all requirements prescribed by law and regulations of the state board for private tutors." Fla. Stat. ann. sec. 232.02 (4) (West 1977).

GEORGIA
Yes. "Parents or guardians may teach their children at home" in a program that meets certain reporting, duration, testing, assessment and other similar requirements. S.B. 504, signed into law May, 1984 to be codified as Ga. Code sec. 20-2-690(c).

GUAM
Yes. "Children not attending a private full-time day school, and who are being instructed in study and recitation for at least three (3) hours a day for one hundred seventy (170) days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this Territory and in the English language, shall be exempted from attending the public schools." Guam Code Ann. tit. 17, sec. 6108 (1982).

HAWAII
Yes. The child may be excused "where a competent person is employed as a tutor . . . and proper instruction is thereby imparted as approved by the superintendent." Hawaii Rev. Stat. sec. 298-9(2) (1976).

IDAHO
Yes. The "parent or guardian . . . shall cause the child to be instructed in subjects commonly and usually taught in the public schools . . . unless the child is otherwise comparably instructed, as may be determined by the board of trustees . . . ." the child must attend school. Idaho Code sec. 33-202 (1981).

ILLINOIS
No. There is no statutory provision permitting home instruction. However, case law in Illinois expressly permits it. People v. Levisen, 404 Ill. 574, 90 N.E.2d (1950) (home instruction by a parent must be allowed where parent was highly qualified although not certified).

INDIANA
Yes. The child may be "provided with instruction equivalent to that given in the public schools." Ind. Code Ann. sec. 20-8.1-3-34 (Burns Supp. 1983).

IOWA
Yes. The child not attending public school may receive "equivalent instruction by a certified teacher elsewhere." Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS

No provision.

KENTUCKY
No provision. However, the state department will allow home instruction if it meets the requirements for a school.

LOUISIANA
Yes. A child who participates in a home study program approved by the Board of Elementary and Secondary Education shall be considered in attendance at a day school. La. Rev. Stat. Ann. sec. 17:236 (West 1982).

MAINE
Yes. "A child shall be excused from attending a public day school if he obtains equivalent instruction . . . in any other manner arranged for by the school committee . . . and . . . approved by the commissioner." Me. Rev. Stat. Ann. tit. 20-A, sec. 5001(2)(D)(1) (1983).

MARYLAND
Yes. The basic requirement allows "regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age." Md. Educ. Code Ann. sec. 7-301(a) (1978).

MASSACHUSETTS
Yes. The compulsory attendance law is satisfied if the child is "being otherwise instructed in a manner approved in advance by the superintendent or the school committee." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
No provision. A parent may not provide for his or her child's education at home without having a certificated teacher providing courses comparable to those offered in the public school district in which the child resides. Hanson v. Cushman, 490 F. Supp. 109 (D.C. Mich 1980); See also, Op. Att'y Gen. No. 5579, Sept. 27, 1979.

MINNESOTA
No provision.

MISSISSIPPI
Yes. The compulsory attendance statute "shall not apply

. . . to any child who is receiving proper instruction in the home." The home teachers must apply to the local superintendent annually for permission to provide the child home instruction. Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI
Yes. A parent may "provide the child at home with regular daily instruction during the usual school hours which shall, in the judgment of a court of competent jurisdiction, be at least substantially equivalent to the instruction given children of like age in the day schools . . . where the child resides . . . ." Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983).

MONTANA
Yes. The parent must enroll the child in the public school unless the child is "enrolled in a . . . home school . . . . [A] home school is the instruction by a parent of his child, stepchild, or ward in his residence . Mont. Code Ann. sec. 20-5-102(2)(f) (1983). Mont. Code Ann. sec. 20-7-116 (1983)

NEBRASKA
No provision.

NEVADA
Yes. Satisfactory written evidence must be presented to the board of trustees of the school district that the child is receiving equivalent instruction of the kind and amount approved by the school board. Nev. Rev. Stat. sec. 392.070 (1981).

NEW HAMPSHIRE
No provision.

NEW JERSEY
Yes. A child meets the compulsory education requirement if receiving "equivalent instruction" to that provided in public school. N.J. Stat. Ann. sec. 18A:38-25 (West 1968). See also, State v. Massa, 95 N.J. Super. 382, 231 A.2d 252 (1967) (home instruction program upheld as state failed to prove program was not equivalent to public school). It is not specified who approves the program. Also, "the right of a natural parent or one in loco parents to direct the education and upbringing of a child under his control is hereby affirmed." N.J. Stat.

Ann. sec. 10:5-5 (West Supp. 1983).

NEW MEXICO
No provision. However, the definition of a private school excludes "home instruction offered by a parent, guardian or one having custody of the student," implying that home instructions may be acceptable. N.M. Stat. Ann. sec. 22-1-2 (1981).

NEW YORK
Yes. "Instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides." N.Y. Educ. Law sec. 3204.2 (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. "The superintendent of schools . . . may excuse [a child] from attendance upon satisfactory showing . . . [t]hat he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of the superintendent, require." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
Yes. The child is "to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session . . . ." Okla. Stat. Ann. tit. 70, sec. 10-105(A) (West Supp. 1982).

OREGON
Yes. A child is not required to attend public school if "taught for a period equivalent to that required of children attending public schools by a parent or private teacher the courses of study usually taught . . . in the public school." Or. Rev. Stat. sec. 339.030(6) (1981).

Written permission from the executive officer of the local school district is necessary. An appeal to the local school board is also available. Or. Rev. Stat. sec. 339.030 (6)(a)(1981).

PENNSYLVANIA
Yes. "Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provision of this section, if such instruction is satisfactory to the proper district superintendent of schools." Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. An exception is provided where "[t]he child has attended for the required period of time a private day school or received instruction approved by the school committee of the city or town where said private school located or where said private instruction given." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
Yes. "Instruction during the school term at a place other than a school may be substituted for school attendance; provided, such instruction is approved by the State Board of Education as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside." S.C. Code sec. 59-65-40 (1976).

SOUTH DAKOTA
Yes. "A child shall be excused from school attendance . . . because the child is otherwise provided with competent alternative instruction . . . in the basic skills of language arts and mathematics. The parent or guardian of the child shall identify in the application the place where the child shall be instructed and the individual or individuals who shall so instruct the child." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
No provision.

TEXAS
Home instruction is not provided for by statute. See Texas Educ. Code Ann. sec. 21.032 (Vernon Supp. 1982).

UTAH
Yes. A minor may be "taught at home in the branches prescribed by law for the same length of time as children are required by law to be taught in the district schools, provided, that a minor legally excused to enter employment may be excused from attending a part-time school or class for the reason that such minor is taught at home the required number of hours." Utah Code Ann. 53-24-1(1)(b)(2) (1981). Approval of the program is not specified.

VERMONT
Yes. Home instruction is permitted if approved by the State Board or its designee. Vt. Stat. Ann. tit. 16, sec. 166a(a) (Supp. 1983).

VIRGINIA
Implied. The parent must send the child to a "public school, or to a private, denominational or parochial school or have such child taught by a tutor or teacher having the qualifications prescribed Board of Education and approved by the division superintendent." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
Yes. "Children may be taught at home under rules and regulations prescribed by the Board of Education when written permission has been granted by the Commissioner of Education for such children to remain out of school for this purpose, but such children may be examined by the Commissioner of Education or his authorized representative." V.I. Code Ann. tit. 17, sec. 84 (1976).

WASHINGTON
No provision.

WEST VIRGINIA
Yes. A child is exempt from compulsory public school attendance if receiving instruction "in the home of such child . . . or at some other place approved by the county board . . . ." The county superintendent or

board has authority to review the qualifications of the instructor. W. Va. Code sec. 18-8-1(B) (1984). This is subject to confirmation by the attendance authority of the county. W.Va. Code sec. 18-8-1 (1984).

WISCONSIN
Yes. "Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools . . . ." Wis. Stat. Ann. sec. 118.15(4) (West Supp. 1983).

WYOMING
No provision. Home instruction is contemplated only when a child is "homebound for more than one week because of injury or illness." The board of trustees' of each school district is responsible for the program. Wyo. Stat. sec. 21-4-402 (1977).

TABLE IV(A)

IF HOME INSTRUCTION IS PERMITTED, MUST A PARENT BE A CERTIFIED TEACHER OR OTHERWISE MEET STATE REQUIREMENTS FOR TEACHERS TO SATISFY THE COMPULSORY EDUCATION LAW?

(Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

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ALABAMA
Yes. Instruction by a private tutor means and includes only instruction by a person who holds a certificate issued by the state superintendent of education. . . ." Ala. Code sec. 16-28-5 (1975).

ALASKA
Yes. A child may be excused from compulsory attendance laws if "provided an academic education comparable to that offered by the public schools . . . by tutoring personnel certificated according to [state law] . . . ." Alaska Stat. sec. 14.30.010 (b)(1)(B)(1982).

AMERICAN SAMOA
Not applicable.

ARIZONA
No provision.

ARKANSAS
Not applicable.

CALIFORNIA
Yes. "The tutor or other person shall hold a valid state credential for the grade taught." Cal. Educ. Code. sec. 48224 (West 1978) (certified tutor).

COLORADO
No. The compulsory attendance law exempts children who are instructed "at home . . . under an established system of home study approved by the state board."

Colo. Rev. Stat. sec. 22-33-104(2)(i) (1973).

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Yes. However, a home tutor must hold a valid state certificate for the subjects or grade taught. Fla. Stat. Ann. sec. 232.02(4) (West 1977). Fla. Admin. Code 6A-1.951. See also State v. M.M. (Fla. App.), No. 81-1387, Dec. 15, 1981 (held a system of private instruction conducted by parents for the sole benefit of their minor children cannot qualify as a "private school" within regular school attendance requirements. Children remaining at home and receiving such instruction are dependent and fall within jurisdiction of family court in a truancy hearing); Op. Att'y Gen. 072-90, Mar. 22, 1972 (Local school boards are to determine whether a tutorial service in private homes meets the requirement of state law.)

GEORGIA
No. The parent need only possess a high school diploma or a GED certificate. S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(3).

GUAM
No provision.

HAWAII
No. The child may be excused "where a competent person is employed as a tutor . . . and proper instruction is thereby imparted as approved by the superintendent." Hawaii Rev. Stat. sec. 298-9(2) (1976).

IDAHO
Yes. All school teachers are required to be certified; no exception is given for teachers in home instruction programs. Idaho Code sec. 33-1201 (1981).

ILLINOIS
Not applicable.

INDIANA
No provision.

IOWA
Yes. The child must receive "equivalent instruction by a certified teacher . . . ." Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
Not applicable.

KENTUCKY
Not applicable. However, the state department will allow home instruction if it meets the requirements of a school.

LOUISIANA
No provision.

MAINE
No provision. State regulations exempt parents from certification requirements.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision. But see a parent may not provide for his or her child's education at home without having a certificated teacher providing courses comparable to those offered in the public school district in which the child resides." Op. Att'y Gen. No. 5579, Sept. 27, 1979.

MINNESOTA
Not applicable.

MISSISSIPPI
No. A parent or other person need only "furnish to the superintendent such evidence as may by him be deemed satisfactory that such child will, in fact, receive instruction in the home adequate to provide such child with the basic skills required in the areas of language arts and mathematics." Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
Not applicable.

NEVADA
No provision.

NEW HAMPSHIRE
Not applicable. Also, regulations do not require it. *See* Regulations and Procedures for Home Education Programs in New Hampshire, March 1984.

NEW JERSEY
Yes. "The board of education in each school district in the state shall have the power and duty to purchase and to loan textbooks upon individual request, to all students residing in such district, who are enrolled in grades kindergarten through twelve of a public or nonpublic school." N.J. Stat. Ann. sec. 18A:58-37.3(a) (West Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
No. However, "instruction may be given only by a competant teacher." N.Y. Educ. Law sec. 3204(2) (McKinney 1981).

NORTH CAROLINA
Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
No. However, the child must be taught "by a person qualified to teach the branches in which instruction is required." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
Yes. All properly qualified tutors must be approved by the district superintendent of schools. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
Not applicable.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No. "Individuals [in alternative home instruction] shall not be required to be certified." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
Not applicable.

TEXAS
Not applicable.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Yes. The child must be taught by a "teacher of qualifications prescribed by the Board of Education and approved by the division superintendent." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
No provision.

WASHINGTON
No. But see State v. Counort, 69 Wash. 361, 124 P. 910 (1912); State ex. rel. Shoreline School Dist. No. 412, 55 Wash. 2d 117, 346 P.2d 999 (1959).

WEST VIRGINIA
No. However, home instruction must be given by people who are qualified to give "instruction in subjects required to be taught in the free elementary schools of the State." W. Va. Code sec. 18-8-1(B) (1984).

WISCONSIN
No provision.

WYOMING
Not applicable.

TABLE IV(B)

IF HOME INSTRUCTION BY A TUTOR IS PERMITTED, MUST THE TUTOR BE A CERTIFIED TEACHER TO SATISFY REQUIREMENTS IN THE COMPULSORY EDUCATION LAW?

(Note that an answer of "not applicable" means that home instruction is not expressly mentioned in state statutes.)

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ALABAMA
Yes. The certificate is "issued by the state superintendent of education . . . ." Ala. Code sec. 16-28-5 (1975).

ALASKA
Yes. The tutor must be certified under state law. Alaska Stat. sec. 14.030.010(b)(1)(B) (1982).

AMERICAN SAMOA
Not applicable.

ARIZONA
No. A child may be "instructed at home by a person passing the reading, grammar and mathematics proficiency examination . . . in the subjects given in the common schools of this state . . . ." Ariz. Rev. Stat. Ann. sec. 15-802(B)(1) (Supp. 1982).

ARKANSAS
Not applicable.

CALIFORNIA
Yes. "The tutor or other person shall hold a valid state credential for the grade taught." Cal. Educ. Code sec. 48224 (West 1978).

COLORADO
Yes. The compulsory attendance law exempts children who are instructed "at home by a teacher certified . . . or under an established system of home study approved by the state board." Colo. Rev. Stat. sec. 22-33-104(2)(i)

(1973).

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Yes. Home instruction must be by a tutor meeting state criteria. Fla. Stat. Ann. sec. 232.02(4)(West 1977). 111.3 State regulation requires a valid state certificate for the subjects and grades taught. Fla. Admin, Code 6A-1.951.

GEORGIA
No. A tutor need only possess a baccularate college degree. S.B. 504, signed into law, May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(3).

GUAM
No provision.

HAWAII
Yes. The child may be excused "where a competent person is employed as a tutor . . . and proper instruction is thereby imparted as approved by the superintendent." Hawaii Rev. Stat. sec. 298-9(2) (1976).

IDAHO
Yes. All school teachers are required to be certified, and no exception is given for teachers in home instruction programs. Idaho Code sec. 33-1201 (1981).

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Yes. The child must receive "equivalent instruction by a certified teacher . . . ." Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
Not applicable.

KENTUCKY
Not applicable. However, the state department will allow home instruction if it meets the requirements of a school.

LOUISIANA
No provision.

MAINE
No provision. However, state regulations require a home instruction tutor who is not a parent, to be certified.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision. But see Op. Att'y Gen. No. 5579, Sept. 27, 1979. A parent may not provide for his or her child's education at home without having a certified teacher.

MINNESOTA
Not applicable.

MISSISSIPPI
No. A parent or other person need only "furnish to the superintendent such evidence as may by him be deemed satisfactory that such child will, in fact, receive instruction in the home adequate to provide such child with the basic skills required in the areas of language arts and mathematics." Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
Not applicable.

NEVADA
No provision.

NEW HAMPSHIRE
Not applicable. Also, regulations do not require it. See Regulations and Procedures for Home Education Programs in New Hampshire, March 1984.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No. However, "instruction may be given only by a competant teacher." N.Y. Educ. Law sec. 3204.2 (McKinney 1981).

NORTH CAROLINA
Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
No. However, the child must be taught "by a person qualified to teach the branches in which instruction is required." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA

No provision.

OREGON

No provision.

PENNSYLVANIA

Yes. All properly qualified tutors must be approved by the district superintendent of schools. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO

No provision.

RHODE ISLAND

No provision.

SOUTH CAROLINA

No provision.

SOUTH DAKOTA

No. "Individuals [in alternative home instruction] shall not be required to be certified." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE

Not applicable.

TEXAS

Not applicable.

UTAH

No provision.

VERMONT

No provision.

VIRGINIA

Yes. The child must be taught by a "tutor . . . of qualifications prescribed by the Board of Education and approved by the division superintendent." Va. Code sec. 22.1-254 (1980). In Grigg v. Commonwealth, 297 S.E.2d 799 (1982), home instruction by an unapproved tutor did not qualify as an exemption to the compulsory education law.

VIRGIN ISLANDS
No provision.

WASHINGTON
Not applicable.

WEST VIRGINIA
No. However, home instruction must be given by people who are qualified to give "instruction in subjects required to be taught in the free elementary schools of the State." W. Va. Code sec. 18-8-1(B) (1984).

WISCONSIN
No provision.

WYOMING
Not applicable

TABLE IV (C)

IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE THE PROGRAM BE REGISTERED OR CLEARED WITH PUBLIC OFFICIALS?

(Note that an answer of "not applicable" means that home instruction is not expressly mentioned in state statutes.)

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ALABAMA
Yes. "Such tutor shall keep a register of work . . . and shall make such reports as the state board of education shall require." Ala. Code sec. 16-28-5 (1975).

ALASKA
Yes. Under the compulsory education law, if the correspondence study option is chosen, a request in writing must be made by the parent, and approved by the prinicpal or administrator of the school the child would attend. Alaska Stat. sec. 14.030.010(11) (1982).

AMERICAN SAMOA
Not applicable.

ARIZONA
Yes. Students are required to take an annual achievement test, the results of which shall be reviewed by the county school superintendent. If results are unsatisfactory and an independent evaluator determines that the child is not progressing, the exemption from compulsory school attendance is revoked. Ariz. Rev. Stat. Ann. sec. 15-310 (Supp. 1982).

ARKANSAS
Not applicable.

CALIFORNIA
No provision.

COLORADO

Yes. The home program must have state approval. Colo. Rev. Stat. sec. 22-33-104(2)(i) (1973).

CONNECTICUT
No provision.

DELAWARE
Yes. In order to be exempt from compulsory education, the superintendent of school district and an official of the State Board of Education must be satisfied that the child is receiving regular and thorough instruction. Del. Code Ann. tit. 14, sec. 2703(a) (1981 and Supp. 1982).

DISTRICT OF COLUMBIA
Yes. A daily record of attendance must be kept, as well as a report of enrollment and withdrawals. This applies to "every public, private or parochial school or private teachers . . . ." D.C. Code secs. 31-405 and 31-409 (1981).

FLORIDA
No provision.

GEORGIA
Yes. "The parent . . . must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program" to the local school superintendent. S.B. 504, signed into law, May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(1).

The declaration must include the name and age of any child to be instructed at home, and a calendar for the program. Id., to be codified as Ga. Code sec. 20-2-690(c)(2).

GUAM
No provision.

HAWAII
Yes. Home instruction must be approved by the Superintendent. Hawaii Rev. Stat. sec. 298-9(3)(1976).

IDAHO
Yes. The board of trustees determines if the child is

being "comparably instructed." Idaho Code sec. 33-202.

ILLINOIS
Not applicable.

INDIANA
No provision.

IOWA
Yes. Parent or guardian must furnish a "certificate" stating name and age of child, and details on instruction. Iowa Code Ann. sec. 299.4 (West Supp. 1983).

KANSAS
Not applicable.

KENTUCKY
Not applicable. However, the state department will allow home instruction if it meets the requirements of a school.

LOUISIANA
Yes. The state board of elementary and secondary education approves the home instruction. La. Rev. Stat. Ann. sec. 17:236 (West 1982).

MAINE
Yes. Alternative instruction programs must be approved by the Commissioner. Me. Rev. Stat. Ann. tit. 20-A sec. 5001(2)(D)(1) (1983).

MARYLAND
No provision.

MASSACHUSETTS
Yes. The compulsory attendance law is satisfied if the child is "being otherwise instructed in a manner approved in advance by the superintendent or the school committee." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
Not applicable.

MINNESOTA
Not applicable.

MISSISSIPPI
Yes. "In order to be exempt . . . as a child receiving proper instruction in the home, a parent, guardian, or other person in loco parentis to such child shall annually apply to the supertintendent of education . . . for a certificate of exemption . . . ." Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI
Yes. A parent may "provide the child at home with regular daily instruction during the usual school hours which shall, in the judgment of a court of competent jurisdiction, be at least substantially equivalent to the instruction given children of like age in the day schools . . . where the child resides . . . ." Mo. Ann. Stat. sec. 167.031 (Vernon Supp. 1983).

MONTANA
Yes. "To qualify its students for exemption from compulsory enrollment . . . [a] home school shall . . . notify the county superintendent of schools of the student's attendance at the school. Mont. Code A. sec. 20-5-201 (1983).

NEBRASKA
Not applicable.

NEVADA
Yes. "Satisfactory" evidence of equivalent instruction must be submitted to the local board. Nev. Rev. Stat. sec. 392.070 (1981).

NEW HAMPSHIRE
Not applicable. Note, however, that regulations require parents to apply to the local board and demonstrate a "manifest educational hardship: and to outline an acceptable program. See Regulations and Procedures for Home Education Programs in New Hampshire, March 1984.

NEW JERSEY
No provision.

NEW MEXICO

No provision.

NEW YORK
No provision.

NORTH CAROLINA
Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
Yes. "The superintendent of schools . . . may excuse [a child] from attendance upon satisfactory showing . . . [t]hat he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of the superintendent, require." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
No provision.

OREGON
Yes. Parents must obtain written permission from the local school superintendent, annually. Or. Rev. Stat. sec. 339.030(6)(a) (1981).

PENNSYLVANIA
Yes. Regular daily instruction outside of school must be approved by the district superintendent of schools. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. The local board approves the home instruction.

R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
Yes. Home instruction must be approved by the State Board of Education. S.C. Code sec. 59-65-40 (1976).

SOUTH DAKOTA
Yes. Parents must apply to have the child excused from compulsory attendance, approval by the school board of the school district where the child resides is required. S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
Not applicable.

TEXAS
Not applicable.

UTAH
No provision.

VERMONT
Yes. "On application, the state board or its designee shall approve a home study program if it finds, after opportunity for hearing, that the program provides a minimum course of study. . . . The state board . . . may revoke or suspend the approval of a home study program, after opportunity for hearing, for substantial failure to comply with the minimum course of study or state board rules for home study programs or for failure to report . . . ." Vt. Stat. Ann. tit. 16 sec. 166a(a) & (e) (Supp. 1983).

VIRGINIA
Yes. Home instruction must be approved by the division superintendent. Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
Yes. Home instruction is conditioned upon written permission from the Commissioner of Education. V.I. Code Ann. tit. 17, sec. 84 (1976).

WASHINGTON
Not applicable.

WEST VIRGINIA

Yes. The county superintendent or board has authority to review the qualifications of the home instructor. W. Va. Code sec. 18-8-1(B) (1984). Arrangements are subject to confirmation by the attendance authority of the county. W. Va. Code sec. 18-8-1 (1984).

WISCONSIN

Yes. Home instruction must be approved by the state superintendent as substantially equivalent to public school instruction. Wis. Stat. Ann. sec. 118.15(4) (West Supp. 1983).

WYOMING

Not applicable.

TABLE IV(D)(1)

IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE ANY MINIMUM NUMBER OF HOURS IN INSTRUCTION EACH DAY?

(Note that an answer of "not applicable" means that home instruction is not expressly mentioned in state statutes.)

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ALABAMA
Three hours, between the hours of 8:00 AM and 4:00 PM. Ala. Code sec. 16-28-5 (1975).

ALASKA
The child must be enrolled in a "full time" correspondence course. Alaska Stat. sec. 14.30.101 (b)(10) (1982). Full time means a minimum of four hours per day. *See* Alaska Stat. sec. 14.03.040 (1982) (the public school standard).

AMERICAN SAMOA
Not applicable.

ARIZONA
No provision.

ARKANSAS
Not applicable.

CALIFORNIA
Three hours per day. Cal. Educ. Code sec. 48224 (West 1978).

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Instruction must be substantially equivalent to that in public school. D.C. Code sec. 31-401 (1981).

FLORIDA
No provision. However, state board of education regulations provide "[a]ny person who tutors a child of compulsory attendance age . . . . in lieu of school attendance . . . . shall require pupils to be in actual attendance for the minimum time as prescribed" for public schools. Fla. Admin. Code sec. 6A-1.951(3).

GEORGIA
Four and one-half hours. S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(5).

GUAM
Three hours per day. Guam Code Ann. tit. 17, sec. 6108 (1982).

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Instruction must be "equivalent" to that of public schools which require a minimum of 24 consecutive weeks per year. Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS

Not applicable.

KENTUCKY
Six hours per day. Ky. Rev. Stat. Ann. sec. 158.060 (1980).

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
Not applicable.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
Not applicable.

MISSISSIPPI
No provision.

MISSOURI
Instruction must be given "during the usual school hours . . . ." Mo. Ann. Stat. Sec. 167.031 (Vernon Supp. 1983).

MONTANA
In a subdivision of the code dealing with public schools, a school day is defined to have two hours per day for kindergarten; four hours, grades 1 through 3; and six, grades 4 through 12; or the equivalent. Mont. Code Ann. sec. 20-1-302 (1983).

NEBRASKA
Not applicable.

NEVADA
No provision.

NEW HAMPSHIRE
Not applicable.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
If a minor who is subject to the compulsory attendance law "attends upon instruction elsewhere than at a public school, he shall attend for at least as many hours, and within the hours specified" for public schools. N.Y. Educ. Law sec. 3210 (McKinney 1981). See Matter of Franz, 84 Misc. 2d 317, 378 N.Y.S. 2d 317, aff'd 390 N.Y.S. 2d 940 (1976) (mother's at-home tutoring of 1 1/2 hours daily was not equivalent to public school instruction).

NORTH CAROLINA
Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
No provision.

OKLAHOMA
Instruction must be for the "full term the schools of the district are in session." Okla. Stat. Ann. tit. 70, sec. 10-105(a) (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA

Daily instruction by a private tutor is to be "for the time herein required," that is, the same as for public schools. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
The parent must demonstrate that the child is being instructed for the "required period." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Alternative instruction must be for a "like period of time" as public schools. S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
Not applicable.

TEXAS
Not applicable.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Under the compulsory education law, the child must be taught for "the same number of hours per day as the public schools . . . ." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
No provision.

WASHINGTON

Not applicable.

WEST VIRGINIA
Home instruction must be "for a time equal to the school term of the county." W. Va. Code sec. 18-8-1(B) (1984).

WISCONSIN
No provision.

WYOMING
Not applicable.

TABLE IV(D)(2)

IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE ANY MINIMUM NUMBER OF DAYS OF INSTRUCTION EACH YEAR?

(Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

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ALABAMA
140 days. Ala. Code sec. 16-28-5 (1975).

ALASKA
The child must be enrolled in a "full time" correspondence course. Alaska Stat. sec. 14.30.101 (b)(10) (1982). The minimum for public schools in 180 days. See Alaska Stat. sec. 14.030.030 (1982).

AMERICAN SAMOA
Not applicable.

ARIZONA
No provision.

ARKANSAS
Not applicable.

CALIFORNIA
175 days per year. Cal. Educ. Code sec. 48224 (West 1978).

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Instruction must be substantially equivalent to that in public school. D.C. Code sec. 31-401 (1981).

FLORIDA
No provision. However state board of education regulations provide "[a]ny person who tutors a child of compulsory attendance age . . . in lieu of school attendance . . . shall require pupils to be in actual attendance for the minimum time as prescribed" for public schools. Fla. Admin. Code sec. 6A-1.951(3).

GEORGIA
180 days. S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(5).

GUAM
170 days per year. Guam Code Ann. tit. 17, sec. 6108 (1982).

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Instruction must be "equivalent" to that of public schools which require a minimum of 24 consecutive weeks per year. Iowa Code Ann. sec. 299.1 (West Supp. 1983).

KANSAS
Not applicable.

KENTUCKY

175 days. Ky. Rev. Stat. Ann. Sec. 158.080 (1980).

LOUISIANA
180 days. La. Rev. Stat. Ann. sec. 17:225 (West 1982).

MAINE
No provision. However, state regulations require the program to approximately equal the regular school year (180 days).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
Not applicable.

MISSISSIPPI
No provision.

MISSOURI
Instruction must be given "during the usual school hours . . . ." Mo. Ann. Stat. Sec. 167.031 (Vernon Supp. 1983).

MONTANA
180 days or the equivalent. Mont. Code Ann. sec. 20-5-201(2) (1983).

NEBRASKA
Not applicable.

NEVADA
No provision.

NEW HAMPSHIRE

Not applicable.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
180 days. However, a minor required to attend full-time day instruction "may be permitted to attend for a shorter school year or for both" provided the instruction he receives is substantially equivalent in amount and quality to that offered in the public schools. N.Y. Educ. Law sec. 3204(1), 3210(2)(d) (McKinney 1969).

NORTH CAROLINA
Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
No provision.

OKLAHOMA
Instruction must be for the "full term the schools of the district are in session." Okla. Stat. Ann. tit. 70, sec. 10-105(a) (West Supp. 1982).

OREGON
No provision.

PENNSYLVANIA
Daily instruction by a private tutor is to be "for the time herein required," that is, the same as for public schools. Pa. Stat. Ann. tit. 24, sec. 13-1327 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
The parent must demonstrate that the child is being instructed for the "required period." R.I. Gen. Laws sec. 16-19-1 (1981).

SOUTH CAROLINA
No provison.

SOUTH DAKOTA
Alternative instruction must be for a "like period of time" as public schools. S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
Not applicable.

TEXAS
Not applicable.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
Under the compulsory education law, the child must be taught for "the same number of days . . . as the public schools . . . ." Va. Code sec. 22.1-254 (1980).

VIRGIN ISLANDS
No provision.

WASHINGTON
Not applicable.

WEST VIRGINIA
Home instruction must be "for a time equal to the school term of the county." W. Va. Code sec. 18-8-1(B) (1984).

WISCONSIN

No provision.

WYOMING
Not applicable.

354

TABLE IV(D)(3)

IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES SPECIFY SUBJECTS THAT MUST BE TAUGHT?

(Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

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ALABAMA
Yes. The law requires "instruction in the several branches of study required to be taught in the public schools . . . ." Ala. Code sec. 16-28-5 (1975).

ALASKA
No provision.

AMERICAN SAMOA
Not applicable.

ARIZONA
No provision.

ARKANSAS
Not applicable.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
Yes. The statue requires "equivalent" instruction. Conn. Gen. Stat. Ann. sec. 10-184 (West Supp. 1983).

DELAWARE
Yes. The superintendent of school districts, an official of the state board of education must be satisfied that a child is receiving instruction in the

subjects prescribed for the public schools. Del. Code Ann. tit. 14, sec. 2703(a) (1981 and Supp. 1982). All public and private schools are required to give regular courses of instruction in the Constitution of the U.S., the constitution and government of Delaware, and the free enterprise system.

DISTRICT OF COLUMBIA
Yes. Instruction must be substantially equivalent to that in public school. D.C. Code sec. 31-401 (1981).

FLORIDA
No provision.

GEORGIA
Yes. "The home study program shall provide basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science . . . . S.B. 504, signed into law May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(4).

GUAM
Yes. The child must be taught the "several branches of study required to be taught in the public schools . . . ." Guam Code Ann. tit. 17, sec. 6108 (1982).

HAWAII
No provision. However, home instruction must be approved by the Superintendent. Hawaii Rev. Stat. sec. 298-9(3) (1976).

IDAHO
Yes. The child must be "instructed in subjects commonly and usually taught in the public schools . . . ." Idaho Code sec. 33-202 (1981).

ILLINOIS
Not applicable.

INDIANA
No provision.

IOWA

Yes. The child must receive instruction equivalent to that in public schools. Iowa Code Ann. sec. 299.1 (West Supp. 1983). Iowa Code Ann. secs. 257.25(3), (4). See also sec. 280.3 (West Supp. 1983).

KANSAS
Not applicable.

KENTUCKY
Must teach the general branches of study; reading, writing, spelling, grammer, history, mathematics and civics. Ky. Rev. Stat. Ann. sec. 158.080 (1980).

LOUISIANA
No provision.

MAINE
No provision.
However, state board rules require a core curriculum including English, mathematics, social studies and science.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Not applicable.

MINNESOTA
Not applicable.

MISSISSIPPI
Yes. The parent must supply evidence that a child will receive instruction in the "areas of language arts and mathematics." Miss. Code Ann. sec. 37-13-97 (Supp. 1982)

MISSOURI
Yes. "No pupil shall receive a certificate of graduation from any public or private school . . . unless he has satisfactorily passed an examination on

the provisions and principles of the constitution of the United States and of the state of Missouri, and in American history and American institutions." Mo. Ann. Stat. sec. 170.011(1) (Vernon 1959).

MONTANA
Yes. Home schools must provide an organized course of study that includes instruction in the subjects required of public schools (determined by the board of public education. Mont. Code Ann. secs. 20-7-111, 20-5-201(4) (1983).

NEBRASKA
Not applicable.

NEVADA
No provision.

NEW HAMPSHIRE
Not applicable. Regulations specify that the child shall receive instruction in English, arithmetic, physiology, hygiene, history and government, including the state and federal constitutions. See Regulations and Procedures for Home Education Programs in New Hampshire, March 1984.

NEW JERSEY
No provision. However, the state commissioner is to prescribe suitable standards for the approval of correspondence schools, including instruction, qualifications of instructors, facilities, and other matters. N.J. Stat. Ann. secs. 18A:69-7,69-8, 69-9 (West 1968 & Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
Yes. "Instruction given to a minor elsewhere than at a public school shall be atleast substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides." N.Y. Educ. Code sec. 3204(2) (McKinney Supp. 1983).

NORTH CAROLINA

Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
Yes. Children receiving instruction in a nonschool setting must pursue "courses of study usually taught in grades 1-12 in the public school." Or. Rev. Stat. sec. 339(6) (1981).

PENNSYLVANIA
No provision.

PUERTO RICO
Not applicable.

RHODE ISLAND
Yes. "That reading, writing, geography, arithmetic, the history of the U.S., the history of Rhode Island and the principles of American government shall be taught in the English language to the same extent [as] taught in the public schools."
R.I. Gen. Laws sec. 16-19-2 (1981).

SOUTH CAROLINA
Yes. Instruction must be "substantially equivalent" to that in public schools. S.C. Code sec. 59-65-40 (1976).

SOUTH DAKOTA
Yes. Children must be instructed in the "basic skills of language arts and mathematics." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

TENNESSEE
Not applicable.

TEXAS
Not applicable.

UTAH
No provision.

VERMONT
Yes. Home instruction must provide a "minimum course of study" which includes instruction in: (1) Basic communication skills including reading, writing, use of numbers; (2) Citizenship, history and government of Vermont and the United States; (3) Physical education and principles of health, including effects of tobacco, alcohol and drugs . . . ; (4) English, American and other literature; and, (5) The natural sciences. Vt. Stat. Ann. tit. 16, sec. 906 (Supp. 1983).

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
Not applicable.

WEST VIRGINIA
Yes. Home instruction must be given by people who are qualified to give "instruction in subjects required to be taught in the free elementary schools of the State." W. Va. Code sec. 18-8-1(B) (1984).

WISCONSIN
Yes. "Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside." Wis. Stat. Ann. sec. 118.15(4) (West Supp. 1983).

WYOMING
Not applicable.

TABLE IV (D) (4)

IF HOME INSTRUCTION IS PERMITTED, DO STATE STATUTES REQUIRE THE TEACHER TO SUBMIT CURRICULA OR OTHER MATERIALS TO PUBLIC OFFICIALS FOR REVIEW?

(Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

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ALABAMA
Yes. "Such private tutor shall . . . file with the county superintendent of education . . . a statement showing the child or children to be instructed, the subjects to be taught and the period of time such instruction is proposed to be given." Also, instruction must be in English. Ala. Code sec. 16-28-5 (1975).

ALASKA
Implied. Under the compulsory education law, the parent using a correspondence course must demonstrate that the educational experience sufficiently meets the needs of the child. Alaska Stat. sec. 14.030.010(b)(11) (1982).

AMERICAN SAMOA
Not applicable.

ARIZONA
No. Cf. Ariz. Rev. Stat. Ann. sec. 15-310 (Supp. 1982).

ARKANSAS
Not applicable.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
Implied. Instruction must be substantially equivalent to that in public school. D.C. Code sec. 31-401 (1981).

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Yes. The parent or guardian must furnish a "certificate" containing details on instruction. Iowa Code Ann. sec. 299.4 (West Supp. 1983).

KANSAS
Not applicable.

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
Not applicable.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
Not applicable.

NEVADA
No provision.

NEW HAMPSHIRE
Not applicable. Regulations require submission of a plan. See Regulations and Procedures for Home Education Programs in New Hampshire, March 1984.

NEW JERSEY

No provision. However, the state commissioner is to prescribe suitable standards for the approval of correspondence schools, including instruction, qualifications of instructors, facilities, and other matters. N.J. Stat. Ann. secs. 18A:69-7,69-8, 69-9 (West 1968 & Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
No provision.

NORTH CAROLINA
Not applicable.

NORTH DAKOTA
Not applicable.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA

No provision.

TENNESSEE
Not applicable.

TEXAS
Not applicable.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
Not applicable.

WEST VIRGINIA
Yes. A person giving home instruction has a duty to furnish to the county board of education "such information and records as may be required from time to time with respect to attendance, instruction, and progress of pupils enrolled . . . ." W. Va. Code sec. 18-8-1(B) (1984).

WISCONSIN
No provision.

WYOMING
Not applicable.

TABLE IV(D)(5)

IF HOME INSTRUCTION IS PERMITTED, ARE THERE OTHER STATUTORY REQUIREMENTS THAT APPLY? (OTHER THAN CERTIFICATION OF TEACHERS, REGISTRATION, HOURS PER DAY, DAYS PER YEAR, SUBMISSION OF CURRICULA OR SIMILAR MATERIALS, OR SUBJECTS TAUGHT?) (Note that an answer of "not applicable" means that home instruction is not expressly permitted in state statutes.)

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ALABAMA
No.

ALASKA
No.

AMERICAN SAMOA
No.

ARIZONA
The child in home instruction must annually take a nationally standardized achievement test, the responsibility for review of the results rests with the county school superintendent. "If the county school superintendent determines that the . . . test results indicate the child is not progressing academically, he shall designate a qualified independent evaluator to determine whether the exemption of the parent . . . shall be continued." Instructions regarding the evaluation and notification of loss of the exemption are detailed. Ariz. Rev. Stat. Ann. sec. 15-310 (Supp. 1982).

ARKANSAS
Not applicable.

CALIFORNIA
Instruction must be in the English language and take place between 8:00 and 4:00 p.m. Cal. Educ. Code sec. 48224 (West 1978).

COLORADO
No.

CONNECTICUT
No.

DELAWARE
No.

DISTRICT OF COLUMBIA
No.

FLORIDA
Yes. "All officials, teachers . . . including private tutors, shall keep all records . . . includ[ing] a register of enrollment and attendance." Fla. Stat. Ann. sec. 232.021 (West 1977).

The Department of Education shall organize, maintain and annually update a data base of educational institutions [for nonpublic schools and private tutors (individuals). There shall be included . . . the name, address, and telephone number of the institution . . . the enrollment . . . the number of graduates . . . Fla. Stat. Ann. 229.808(1)(2) (West 1977).

GEORGIA
Yes. "Students . . . shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade . . . ." S.B. 504, signed into law, May, 1984, to be codified as Ga. Code sec. 20-2-690(c)(7).

"The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas" mentioned in the law. Ga. Code sec. 20-2-690(c)(8).

GUAM
Instruction must be in English. Guam Code Ann. tit. 17, sec. 6108 (1982).

HAWAII
No.

IDAHO
No.

ILLINOIS
No.

INDIANA
No.

IOWA
No.

KANSAS
Not applicable.

KENTUCKY
No.

LOUISIANA
No.

MAINE
If the local board disapproves the equivalent instruction, an appeal may be filed with the Commissioner. If the Commissioner finds that equivalent instruction is available, he shall approve the request. Me. Rev. Stat. Ann. tit. 20-A sec. 911(3)(B) (1983).

MARYLAND
No.

MASSACHUSETTS
Nonreligious correspondence schools must obtain state licenses annually. Mass. Gen. Laws ch. 75C secs. 1, 1A, 2 (West 1982 & Supp. 1983).

MICHIGAN
No.

MINNESOTA
Not applicable.

MISSISSIPPI
"[A]fter any such child has attained the age of eight (8) years, . . . such child shall take a standardized achievement test approved for such purposes by the state department of education . . . ." Miss. Code Ann. sec. 37-13-97 (Supp. 1982).

MISSOURI
No.

MONTANA
Yes. The home school must maintain attendance and immunization records, and be housed in a building that complies with applicable local health and safety regulations. Mont. Code Ann. secs. 20-5-109(1),(3) (1983).

NEBRASKA
Not applicable.

NEVADA
No.

NEW HAMPSHIRE
No.

NEW JERSEY
Non-religious and tuition-charging correspondence schools are subject to state regulation. An annual certificate of approval must be obtained ($100.00 fee initially, $50.00 renewal fee). N.J. Stat. Ann. secs. 18A:69-7--69-10. (West 1968 and Supp. 1983). Every such private correspondence school which is not religious and which charges tuition is subject to state inspection at all times. N.J. Stat. Ann Sec. 18A:69-12 (West 1968).

NEW MEXICO
No.

NEW YORK
No.

NORTH CAROLINA
No.

NORTH DAKOTA
No.

OHIO
In each case that the superintendent of schools approves home instruction, "the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how . . . the qualifications of the person teaching the child at home were determined. All such excuses shall become void and subject to recall upon . . . the cessation of proper home instruction; and thereupon the child or his parents may be proceeded against after due notice whether such excuse be recalled or not." Ohio Rev. Code Ann. sec. 3321.04(A)(2) (Page 1980).

OKLAHOMA
No.

OREGON
Children must be examined in the work covered. Examinations are to be prepared by the State Board and furnished to school districts on request. If the local superintendent finds after examination that the child is not being taught properly, s/he shall require the child to attend school. Or. Rev. Stat. sec. 339.030(6)(b) (1981).

PENNSYLVANIA
No.

PUERTO RICO
No.

RHODE ISLAND

No.

SOUTH CAROLINA
No.

SOUTH DAKOTA
"No single individual [in the alternative setting] shall instruct more than twenty-two children . . . . The superintendent of elementary and secondary education or his designee may exercise the right of visitation twice in any school year to observe the alternative instruction." S.D. Codified Laws Ann. sec. 13-27-3 (1982).

"The child [in alternative instruction] shall annually take a nationally standardized achievement test of the basic skills, such test to be the same as the test designated to be used in the public school district where the child is instructed." S.D. Codified Laws Ann. sec. 13-27-2 (1982).

TENNESSEE
No.

TEXAS
No.

UTAH
No.

VERMONT
"A home study program shall be offered to no more than two pupils whose residence is outside the home in which the program is offered." Vt. Stat. Ann. tit. 16, sec. 166a(c) (Supp. 1983). Annual enrollment must be reported, and termination of enrollment must be reported within seven days. Vt. Stat. Ann. tit. 16, sec. 166a(d) (Supp. 1983).

Home instruction approvals expire annually. Vt. Stat. Ann. tit. 16, sec. 166a(b) (Supp. 1983).

VIRGINIA
No.

VIRGIN ISLANDS
The Commissioner of Education may test children who receive home instruction. V.I. Code Ann. tit. 17, sec. 84 (1976).

WASHINGTON
Not applicable.

WEST VIRGINIA
Correspondence schools must be approved by the state board of education. An annual permit ($10.00) is required, and annual reports must be submitted to the state board of education. The board may refuse authorization to any school "if the board has reason to believe that the school engages in practices which are inconsistent with this section or with rules and regulations issued pursuant thereto." The issuance of a permit "does not constitute approval or accredition of any course or school." W. Va. Code sec. 18-2-10 (1984).

WISCONSIN
"Every public and private elementary and high school shall give instruction in the true and comparative vitamin content and food and health values of dairy products and their importance for human diet. The course of such instruction and the educational material therefor and shall be prescribed by the department and shall be included in the instruction manuals for such schools. Such educational program shall be directed by the department through school district administrators and such other educational officials whose cooperation may be deemed necessary to insure its success." Wis. Stat. Ann. sec. 118.01(9) (West Supp. 1983).

WYOMING
Not applicable.

TABLE VI (A)

DO STATE STATUTES PROVIDE FOR A SYSTEM OF LOANING OR DONATING TEXTBOOKS TO PRIVATE SCHOOLS?

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ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No. The state supreme court has declared unconstitutional California's textbook loan program in Cal. Educ. Code sec. 60315 (West Supp. 1983). California Teacher's Assn v. Riles, 29 Cal. 3d 794, 176 Cal. Rptr. 300, 632 P.2d 953 (1981).

COLORADO
Yes. Local schools, "in the discretion of the school board" may provide library resources without charge to teachers and students in private schools, from federal grants made available for this purpose. Colo. Rev. Stat. sec. 22-32-110(1)(dd) (Supp. 1982).

CONNECTICUT
Yes. Local schools may loan textbooks free of charge, for at least a semester's use, to pupils in nonpublic schools. Conn. Gen. Stat. Ann. sec. 10-228a (West Supp. 1983).

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
Yes. "The Board shall provide for the use of textbooks adopted for use in the public elementary and secondary schools of Guam, and allow the use of the textbooks so adopted by all students in both public and private elementary and secondary schools of Guam without charge . . . ." Guam Code Ann. tit. 17, sec. 4106 (1982).

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
Yes. The State Board of Education shall provide for free loans of secular textbooks to students at nonpublic schools which are in compliance with Title VI of the Civil Rights Act of 1964. (federal nondiscrimination by race requirements). Ill. Ann. Stat. ch. 122, sec. 18-17 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
Yes. "Boards of directors of school districts shall be required to provide textbook services to nonpublic school pupils. . . only during years when the general assembly has appropriated funds to the department of public instruction for the payment of claims for

textbook costs submitted by the school district." Iowa Code Ann. sec. 301.30 (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
No. The text book aid provision was ruled unconstitutional in Fannin v. Williams, 655 S.W. 2d 480 (Ky. 1983).

LOUISIANA
Yes. "The State Board of Elementary and Secondary Education shall prescribe and adopt school books and other materials of instruction, which it shall supply without charge to the children of this state at the elementary and secondary levels . . . ." La. Rev. Stat. sec. 17:351(A) (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No. The state code still provides that free textbook loans may be made to pupils in schools which do not discriminate racially. Mass. Gen. Laws ch. 71, sec. 48 (West 1982). However, the textbook loan program was held to violate the state Constitution in Bloom v. School Committee of Springfield, 375 Mass. 35, 379 N.E.2d. 578 (Mass. 1978).

MICHIGAN
No provision.

MINNESOTA
Yes. "The state board of education shall promulgate rules . . . requiring that in each school year, based upon formal requests by or on behalf of nonpublic school pupils in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire textbooks . . . and loan or provide them for use by chilren enrolled in that nonpublic school." The

cost per pupil of the textbooks may not exceed the statewide average expenditure per pupil." Minn. Stat. Ann. sec. 123.933 (Subd. 1 & 3) (West Supp. 1983).

MISSISSIPPI
Yes. Textbooks "shall be distributed and loaned free of cost to the children of the free public schools of the state and of all other schools located in the state, which maintain educational standards equivalent to the standards established by the state department of education for the state schools." Miss. Code Ann. sec. 37-43-1 (Supp. 1982).

Private schools which receive such textbooks must annually file "any and all reports as may be required by the commission." Failure to file such reports will result in denial of a new allocation of funds until such reports have been filed. Miss. Code Ann. sec. 37-43-51 (Supp. 1982).

See also, _Norwood v. Harrison_, 413 U.S. 455 (1973) (_held_, the state may not distribute free textbooks to private schools which discriminate racially).

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No. A textbook loan program was held unconstitutional in _Gaffney v. State Department of Education_ 220 N.W. 2d 550.

NEVADA
No provision.

NEW HAMPSHIRE
Yes. Any local school board may provide textbooks and educational materials for pupils in nonpublic schools. N.H. Rev. Stat. Ann. sec. 189:49 (1977). _See_, _Opinion of the Justices_, 258 A.2d 343 (N.H. 1969).

NEW JERSEY
Yes. "The board of education in each school district in the state shall have the power and duty to purchase and

to loan textbooks upon individual request, to all students residing in such district, who are enrolled in grades kindergarten through twelve of a public or nonpublic school." N.J. Stat. Ann. sec. 18A:58-37.3(a) (West Supp. 1983).

NEW MEXICO
Yes. Students in approved private schools are entitled to free use of instructional materials, including textbooks and supplementary instructional material. N.M. Stat. Ann. secs. 22-15-1 through 22-15-14 (1978 & Supp. 1983).

NEW YORK
Yes. Loans of textbooks to pupils in private schools are authorized. N.Y. Educ. Law sec. 701 (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. "Moneys paid to school districts . . . may be used for the following independent and fully severable purposes: A) to purchase such secular books as have been approved by the superintendent of public instruction for use in the public schools . . . and to loan such textbooks to students attending nonpublic schools within the district or to their parents . . . ." Ohio Rev. Code Ann. sec. 3317.06(A) (Page Supp. 1982).

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
Yes. "The Secretary of Education directly, or through the intermediate units, shall have the power and duty to purchase textbooks . . . and, upon individual request,

to loan them to all children" attending nonpublic schools. Pa. Stat. An. tit. 24, sec. 9-973(c)(Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "The school committee shall furnish upon request . . . textbooks . . . to all pupils of elementary and secondary school grades resident in such community . . . ." R.I. Gen. Laws sec. 16-23-2 (1981).

This section, under which textbooks may be lent for use in sectarian schools, does not violate the establishment of religion prohibitions of the state constitution (R.I. Const. art 1, sec. 3). Bowerman v. O'Connor 104 R.I. 519, 247 A.2d 82 (1968).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Yes. "It is declared to be the policy of this state that the common good and general welfare of the state are promoted by an educated and enlightened citizenry and to assist in achieving those goals and in accord with the child benefit doctrine, there shall be loaned without charge to all persons ages five through nineteen such nonsectarian textbooks and text-related workbooks designed for individual use as are normally furnished by the school boards . . . to the student enrolled in the public schools . . . ." S.D. Codified Laws Ann. sec. 13-34-16.3 (1982).

TENNESSEE
No provision.

TEXAS
Yes. Textbooks may be purchased by private schools from the State Depository at the same discount granted the state by the publisher. Tex. Educ. Code Ann. sec. 12.35 (Vernon 1972).

UTAH

No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision. However, a notice that surplus texts are available for sale must be sent to private schools. Wash. Rev. Code sec. 28A.02.111 (1982).

WEST VIRGINIA
Yes. County boards of education may provide state-adopted textbooks for the use of private school pupils whose parents are unable to provide them. W. Va. Code sec. 18-5-21b (1984).

WISCONSIN
No provision.

WYOMING
No provision.

TABLE VI (B)

DO STATE STATUTES PROVIDE FOR A SYSTEM FOR LOANING OR DONATING TEACHING MATERIALS OR OTHER MATERIALS TO PRIVATE SCHOOLS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
Yes. Audiovisual materials may be supplied to elementary, secondary and postsecondary schools at cost of handling plus damages, if any, and made available only when not needed by public schools. Cal. Educ. Code sec. 1251 (West 1978). This section has been limited by 61 Op. Att'y Gen. 104, March 14, 1978 (nonpublic school must pay fair rental value).

COLORADO
Yes. Local schools "may provide library resources without charge to teachers and students in private schools, from federal grants made available for this purpose. Library resources include: "magnetic tapes, films, phonograph records, and other related library materials and printed and published instructional materials . . . ." Colo. Rev. Stat. sec. 22-32-110(1)(dd) (Supp. 1982).

CONNECTICUT
Yes. Municipalities can loan funds to "financially responsible" nonpublic schools for construction or renovation of physical facilities, to be used for strictly educational purposes. Conn. Gen. Stat. Ann. sec. 7-121a (West Supp. 1983).

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. Private schools are reimbursed for the actual cost of providing state required reports. La. Rev. Stat. Ann. sec. 17:361 (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Yes. Board of school district may supply "auxiliary services" to nonpublic schools which includes, testing services and street crossing guard services. Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

MINNESOTA
Yes. The nonpublic schools may also receive "individualized instructional materials." Minn. Stat. Ann. sec. 123.933 (West Supp. 1983). Individualized instructional materials include film strips, prepared slides, cassettes, desk maps and flash cards as long as they are "secular, neutral, nonideological and not capable of diversion for religious use and are available . . . to public school pupils." *See* Minn. Stat. Ann. sec. 123.932 (Subd. le) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA

No provision.

NEVADA

No provision.

NEW HAMPSHIRE

Yes. Any school board may provide the educational materials for pupils in nonpublic schools.
N.H. Rev. Stat. Ann. sec. 189:49 (1977).
See also, *Opinion of the Justices*, 258 A.2d 343 (N.H. 1969).

NEW JERSEY

No provision.

NEW MEXICO

Yes. There is an instructional material fund available for textbooks and supplementary instructional material for students in approved private schools. N.M. Stat. Ann. secs. 22-15-1 -- 22-15-14 (1978 & Supp. 1983).

NEW YORK

No. A statute providing for grants to private schools for maintenance and repair, and tuition reimbursement for low income parents was held unconstituional. *Committee for Public Education v. Nyquist*, 413 U.S. 756 (1976) (construing N.Y. Educ. Law secs. 549 through 553, and secs. 559 through 563 (McKinney Supp. 1983)).

NORTH CAROLINA

No provision.

NORTH DAKOTA

No provision.

OHIO

No provision.

OKLAHOMA

No provision.

OREGON

No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision. *See* Op. Att'y Gen. 1951-52, p.7. (Reimbursement for room and board of private school students is prohibited.)

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
Yes. Materials available at an educational service district may be available to private schools, at cost. Wash. Rev. Code sec. 28A.21.086 (1982).

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE VI(C)

DO STATE STATUTES PROVIDE FOR FREE TRANSPORATION OF PRIVATE SCHOOL PUPILS? IF SO, UNDER WHAT CIRCUMSTANCES?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
No provision.

ALASKA
Yes. "In those places in the state where the department or a school district provides transportation for children attending public schools, the department shall provide transportation for children who . . . attend nonpublic schools . . . where the children, in order to reach the nonpublic schools, must travel distances comparable to and over routes the same as . . . children attending public schools are transported." Alaska Stat. sec. 14.09.020 (1982).

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
Yes. Cal. Educ. Code sec. 1270.1 (West 1978). *See also* Cal. Educ. Code sec. 39808 (West 1978) (upheld in *Gordon v. Board of Education of Los Angeles*, 178 P.2d 488, 78 C.A.2d 464 (1947).

COLORADO
No provision.

CONNECTICUT
Yes. Conn. Gen. Stat. Ann. secs. 10-277, 280a & 281 (West Supp. 1983).

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision. See Op. Att'y Gen. 076-61, Mar. 11, 1976 (School Board has no authority to contract with parochial schools for transportation of parochial school's students).

GEORGIA
No provision.

GUAM
Yes. Transportation to a from facilities providing auxilliary services shall be provided to non-public school students. Guam Code Ann. tit. 17, sec. 6301 (1982).

HAWAII
No provision.

IDAHO
No. Idaho Code sec. 33-1501 (Supp. 1983) provides for busing of private school pupils but it was held to violate the state constitution in Epeldi v. Engelking, 94 Idaho 390, 488 P.2d 860 (1971), cert. denied, 406 U.S. 957 (1972).

ILLINOIS
Yes. Local schools may provide transportation at cost, for students to and from nonpublic schools, "at times when the buses or other conveyances are not needed for public school transportation." Ill. Ann. Stat. ch. 122, sec. 29-3.2, 29-4 (Smith-Hurd Supp. 1983). See Board of Education, School District No. 142, Cook County v. Bakalis, 299 N.E.2d 737 (1973) (upheld as having secular purpose).

INDIANA
No provision.

IOWA
Yes. "Boards of directors of school districts shall be required to provide transportation services to nonpublic school pupils. . . [according to public school standards] when the general assembly appropriates funds to the department of public instruction for the payment of claims for transportation costs submitted by the school district." Iowa Code Ann. sec. 285.2 (West Supp. 1983).

KANSAS
Yes. "Whenever any school district shall provide or furnish transportation [to public school pupils], pupils attending accredited private schools who shall reside on or along the regular route of the school bus or who shall gather . . . where such transportation is provided for pupils attending the public schools, shall be entitled to the privilege of such school bus transportation." Kan. Stat. Ann. sec. 72-8306(a) (1980). See also, Kan. Stat. Ann. sec. 72-5393 (1982) (exceptional children).

KENTUCKY
Yes, but only if paid for by the county government, private schools, or parents on a per capita basis. Ky. Rev. Stat. Ann. sec. 158.115 (1980).

LOUISIANA
Yes. The statute providing free transportation, or reimbursement of transportation costs "shall apply to eligible public and nonpublic school students." However the provision "shall not apply to any student . . . who attends a school which discriminates on the basis of race, creed, color or national origin." La. Rev. Stat. Ann. sec. 17:158(F) (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
Yes. Transportation is available for pupils attending nonpublic schools, when the distance exceeds 1 1/2 miles

from home to school, so long as "the amount of grant, per pupil, for transportation to private schools in towns which furnish such transportation, shall not exceed the amount of grant per pupil for transportation to public schools . . . " Mass. Gen. Laws ch. 71, sec. 7A. See also Mass. Gen. ch. 76, sec. 1 (1982), amended by Chp. 663 of the 1983 Acts and Resolves of the Massachusetts General Court (providing for equal treatment in transportation of public and nonpublic school pupils). See Murphy v. School Committee of Brimfield, 389 N.E.2d 399 (Mass. 1979).

MICHIGAN
Yes, with some qualifications:
"(1) A board of a school district providing transportation for its resident pupils,. . . shall provide transportation for each resident pupil in the elementary and secondary grades for whom the school district is eligible to receive state school aid for transportation. These pupils shall be attending either the public or the nearest state approved nonpublic school in the school district to which the pupil is eligible to be admitted. Transportation shall be without charge to the resident pupil." The district is not required to transport children after a distance less than 1 1/2 miles; nor is it required to transport pupils outside the district unless it does so for public school pupils. Mich. Comp. Laws Ann. sec. 380.1321 (West Supp. 1983).

In addition, "Any school district transporting its resident pupils . . . shall transport or pay to transport . . . every resident child . . . attending either the public or the nearest state approved nonpublic school . . . ." Mich. Comp. Laws Ann. sec. 340.5902 (West 1976). Handicapped children and children who cannot safely walk to school can be treated differently. Mich. Comp. Laws secs. 380.5902, & 380.170 through 380.1766 (West Supp. 1983).

MINNESOTA
Yes. School children attending any school which satisfies the compulsory education law are entitled to the same rights relating to transportation as are public school children. A district "shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by the school board . . . ." Minn. Stat. Ann. sec. 123.78 (Subd. 1) (West Supp. 1983).

A district may provide transportation to children within the district but attending a nonpublic school outside the district provided that "the attendance of such children at school can more safely, economically, or conveniently be provided for by such means." The private school would then pay for this transportation. Minn. Stat. ann. sec. 123.78 (Subd 1a.b) (West Supp. 1983).

MISSISSIPPI

No provision.

MISSOURI

No provision.

MONTANA

Yes. "Any child attending a nonpublic school may ride a school bus when a permit to ride such school bus is secured from the operating district by the parent or guardian of such nonpublic school child and when there is seating capacity . . . . When a nonpublic school child rides a bus, the operating district shall charge such child his proportionate share . . . of the cost of operating such school bus." Mont. Code Ann. sec. 20-10-123 (1983).

NEBRASKA

Yes. If a local school board provides transportation to its students, it must also do so for students of nonpublic, nonprofit schools. The private school children must adapt to the public school route. Neb. Rev. Stat. sec. 79-487 (1982).

NEVADA

No. *See* Nev. Rev. Stat. sec. 392.300 (1979).

NEW HAMPSHIRE

Yes. N.H. Rev. Stat. Ann. secs. 189:9 & 189:49 (1977). Pupils in private schools are entitled to the same transportation privileges as public school pupils. *See*, *Opinion of the Justices*, 115 N.H. 553, 345 A.2d 412 (1975).

NEW JERSEY

Yes. N.J. Stat. Ann. sec. 18A:39-1 (West Supp. 1983).

If a district provides transportation generally, it must extend it to children in nonprofit nonpublic schools. Distance to be travelled is limited to 20 miles. If the per pupil cost of the transportation program exceeds $325, then the parent is eligible to receive that amount toward cost of transportation to the nonpublic school.

NEW MEXICO

No provision. However, exceptional children may be transported "to and from private, nonsectarian, non-profit training centers for exceptional children operated under contract with a local school board . . . ." N.M. Stat. Ann. sec. 22-16-2.C(3) (Supp. 1983).

NEW YORK

The law requires that all noncity districts provide transportation of up to 15 miles for pupils enrolled in grades K-8 who live more than two miles from their school and for pupils enrolled in grades 9-12 who live more than three miles from their school. The distances in each case are measured by the nearest available route from home to school. In addition to providing transportation between home and school for pupils who meet these distance requirements, a school district must designate one or more public schools as centralized pickup points and provide transportation between those points and nonpublic schools. In order for this arrangement to be made, the school district must currently be transporting pupils to that nonpublic school.

City school districts and the city portion of enlarged city school districts are not requird to provide any transportation, except for suitable transportation for children with handicapping conditions. These districts may, however, by a majority vote of the board of education elect to provide transportation. If transportation is provided, it must be provided equally to all children in like circumstances, those attending both public and nonpublic schools. N.Y. Educ. Law sec. 3635 (McKinney Supp. 1983).

NORTH CAROLINA

No provision.

NORTH DAKOTA

Yes. "When authorized by the school board of a public school district . . . elementary and high school students attending nonpublic schools shall be transported on public school buses to and from the point or points on established public school bus routes . . . provided, however, no payments shall be made from the county equalization funds or state funds for any mileage costs for any deviation from the established public routes . . . ." N.D. Cent. Code sec. 15-34.2-16 (Supp. 1983).

OHIO
Yes. The board of education must provide transportation for children from grades K-8 who live more than 2 miles from the nonpublic school they attend when such school is in compliance with the rules promulgated by the State Board of Education. Ohio Rev. Code Ann. sec. 3327.01 (Page 1980).

OKLAHOMA
No provision.

OREGON
Yes. If the private school is on or near a public school bus route, a child may ride the bus to that school. Or. Rev. Stat. sec. 332.415 (1981).

PENNSYLVANIA
Yes. The board of school directors in any school district may, out of the funds of the district provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries . . . ." Pa. Stat. Ann. tit. 24, sec. 13-1361(1) (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "The school committee of any town shall provide suitable transportation to and from school for pupils attending . . . private schools of elementary and high school grades, except such private schools as are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's attendance at school impractical and for any pupil whose regular attendance would otherwise be

impracticable on account of physical disability or infirmity." R. I. Gen. Laws sec. 16-21-1 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision. But see, Op. Atty. Gen. No. 0-7128 (1946) (pupils of parochial schools cannot be transported on public school buses).

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
Yes. "The Commissioner of Education, with the approval of the Governor, shall prescribe rules and regulations covering the free transportation of school children within and without the urban areas of the Virgin Islands." V.I. Code Ann. tit. 17, sec. 101 (1976). See also, 1 V.I. Op. Att'y Gen. 325, holding that it would not be objectionable on constitutional grounds for the Department of Education to provide for the transportation of children to and from Catholic parochial high schools.

WASHINGTON
No. Private school children may ride public school buses, but it is a local board option, provided routes are not changed, space is available, and the actual cost is paid. Wash. Rev. Code sec. 28A.24.065 (1982).

WEST VIRGINIA
Yes. School boards are authorized to provide transportation to "all children of school age who live more than two miles distance from school by the nearest available road . . . ." W. Va. Code sec. 18-5-13(6) (1984). However, parochial and private school children can be paid in lieu of transportation provided to public school children. Jancesiewicz v. Board of Educ., 299 S.E.2d 34 (1982). Cf. State v. Board of Educ., 154 W. Va. 107, 174 S.E.2d 711 (1970).

WISCONSIN
Yes. Section 121.54 provides a wide variety of conditions under which private school children may receive transportation, including, for example where the child has exceptional needs or must pass by a hazardous area. Transportation for extracurricular activities is also permissible. Cities have an option of providing transportation under other circumstances, provided that "there shall be reasonable uniformity in the transportation furnished such pupils whether they attend public or private schools." Wis. Stat. Ann. sec. 121.54 (Supp. 1983).

WYOMING
No provision.

TABLE VI(D)(1)

DO STATE STATUTES PROVIDE FOR FREE TESTING SERVICES TO PRIVATE SCHOOLS OR THEIR PUPILS? IF SO, UNDER WHAT CIRCUMSTANCES?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
Yes. Private school students may participate on a voluntary basis in the program for testing and evaluation of handicapped students. Ark. Stat. Ann. sec. 80-2134 (1980).

CALIFORNIA
Yes. Testing services are available only under the National Defense Education Act. Cal. Educ. Code sec. 60670 (West 1978).

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
Yes. "Students attending nonpublic schools shall be furnished a program of auxiliary services if such services are available to pupils attending the public schools." Guam Code Ann. tit. 17, sec. 6302 (1982). Auxiliary services include "the supply for use by pupils attending nonpublic schools such standardized tests and scoring services as are in use in the public schools . . . ." Guam Code Ann. tit. 17, sec. 6301(a)(1) (1982).

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
Yes. A variety of services are available to "educationally disadvantaged children" in nonprofit nonpublic schools. Ill. Ann. Stat. ch. 122, sec. 14B-2 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
Yes. "School districts may, when available, [provide] . . . school testing services . . . to children attending nonpublic schools in this same manner and to the same extent that they are provided to public school students." Iowa Code Ann. sec. 257.26(2) (West Supp. 1983).

KANSAS
Yes. However, the services are limited. "Therapeutic psychological and speech and hearing services and programs and services for exceptional children, which cannot be practically provided in any private, nonprofit elementary or secondary school which is located in the school district, shall be provided in the public schools of the school district . . . ." Kan. Stat. Ann. sec. 72-5393 (1982).

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Yes. Board of school district may supply "auxiliary services" to nonpublic schools which includes testing services. Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

MINNESOTA
Yes. Upon formal request, by or on behalf of nonpublic school pupils, the local districts shall acquire "standardized tests and loan or provide them for use by children enrolled in that nonpublic school." Minn. Stat. Ann. 123.933 (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI

No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). See also Opinion of the Justices, 115 N.H. 553, 345 A.2d 412 (1975).

NEW JERSEY
Yes. Contracts with public or private agencies may be made to provide examination, classification and speech correction services to nonpublic school children. N.J. Stat. Ann. sec. 18A:46-19.7 (West Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
Yes. State testing materials are provided free of charge to all schools. N.Y. Educ. Law sec. 207 (McKinney 1969).

NORTH CAROLINA
Yes. "Any school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs." N.C. Gen. Stat. sec. 115C-551 (1983).

NORTH DAKOTA
No provision.

OHIO
Yes. "Moneys paid to school districts . . . shall be

used for the following independent and fully severable purposes: H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are used in the public schools . . . ." Ohio Rev. Code Ann. sec. 3317.06(H) (Page Supp. 1982).

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
Yes. Auxiliary services under 9-972.1 include testing. See Pa. Stat. ann. tit. 24, sec. 9-972.1(b) (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. "It is a matter of state duty and concern that such nonpublic schools be reimbursed for the actual costs which they incur in providing services to the state which they are required by law to render in . . . ." R.I. Gen. Laws sec. 16-40.1-1 (1981).

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE VI(D)(2)

DO STATE STATUTES PROVIDE FOR FREE COUNSELING FOR PRIVATE SCHOOL PUPILS? IF SO, UNDER WHAT CIRCUMSTANCES?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
Yes. Conn. Gen. Stat. Ann. sec. 10-217a (West 1958).

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision. But see 1976 Op. Att'y Gen. 76-118, psychological services may be provided to private school students at the discretion of the state and local boards of education.

GUAM
Yes. "Students attending nonpublic schools shall be furnished a program of auxiliary services if such services are available to pupils attending the public schools." Guam Code Ann. tit. 17, sec. 6302 (1982). Auxiliary services include "the provision of guidance and counseling services to pupils attending nonpublic schools." Guam Code Ann. tit. 17, sec. 6301(a)(5) (1982).

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
Yes. Special guidance and counseling of an educationally disadvantaged child, in the child's home, is authorized. Ill. Ann. Stat. ch. 122, sec. 14B-2 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
Yes. "School districts may, when available, [provide] . . . guidance services . . . to children attending nonpublic schools in this same manner and to the same extent that they are pro- vided to public school students." Iowa Code Ann. sec. 257.26(2) (West Supp. 1983).

KANSAS
Yes. However, the services are limited. "Therapeutic psychological and speech and hearing services and programs and services for exceptional children, which cannot be practically provided in any private, nonprofit elementary or secondary

school which is located in the school district, shall be provided in the public schools of the school district . . . ." Kan. Stat. Ann. sec. 72-5393 (1982).

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
Yes. "Auxiliary services shall include . . . school psychological services." Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

MINNESOTA
Yes. Guidance and counseling services are provided by the school district "each year upon formal request . . . by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district . . . ." Guidance services provided pursuant to this section are available only at a public school or neutral site." Minn. Stat. Ann. sec. 123.935 (Subd. 1(b) and 2) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). *See also Opinion of the Justices*, 115 N.H. 553, 345 A.2d 412 (1975).

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
Yes. N.Y. Educ. Law secs. 912, 3602-c(1)(a) (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. "Moneys paid to school districts . . . shall be used for the following independent and fully severable purposes: . . . to provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district . . . [and] [t]o provide guidance and counseling services to pupils attending nonpublic schools within the district . . . ." Ohio Rev. Code Ann. sec. 3317.06(E) (F) (Page Supp. 1982).

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
Yes. Auxiliary services under 9-972.1 include counseling. See Pa. Stat. Ann. tit. 24, sec. 9-972.1(b) (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision.

WEST VIRGINIA

No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE VI (D) (3)

DO STATE STATUTES PROVIDE SPECIAL EDUCATION TEACHERS OR SIMILAR SERVICES TO ELIGIBLE PRIVATE SCHOOL PUPILS? IF SO UNDER WHAT CIRCUMSTANCES?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
Yes. "The governing board of a school district may contract with any public body or private person for the purpose of providing alternative education programs." Ariz. Rev. Stat. sec. 15-796(A) (Supp. 1982).

"'[A]lternative education' means the modification of school curricula and adoption of teaching methods, materials and techniques to provide educationally for those pupils in grades nine through twelve who are unable to profit from regular school curricula and environment." Ariz. Rev. Stat. sec. 15-796(C) (Supp. 1982).

ARKANSAS
No provision.

CALIFORNIA
Yes. Cooperation with private schools in the state's special education program is expressly restricted to "nonpublic, nonsectarian schools." Cal. Educ. Code sec. 56001(k) (West Supp. 1983).

COLORADO
Yes. Local schools are authorized to provide "special educational services and arrangements" for educationally

deprived children in nonpublic schools "out of federal grants made available specifically for this purpose," including mobile educational services, educational radio and television, and dual enrollment. Colo. Rev. Stat. sec. 22-32-110(1)(cc) (Supp. 1982).

CONNECTICUT
Yes. Conn. Gen. Stat. Ann. sec. 10-76d(b) (West Supp. 1983).

DELAWARE
Yes. School districts may contract with "a private service provider" for supportive services including (but not limited to) physical, art and music education, psychological services, language and speech therapy, physical and occupational therapy. Del. Code Ann. tit. 14, sec. 3123 (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA

Yes. "School districts may, when available, [provide] . . . special education services . . . to children attending nonpublic schools in this same manner and to the same extent that they are pro- vided to public school students." Iowa Code Ann. sec. 257.26(2) (West Supp. 1983).

KANSAS
Yes. However, the services are limited. "Therapeutic psychological and speech and hearing services and programs and services for exceptional children, which cannot be practically provided in any private, nonprofit elementary or secondary school which is located in the school district, shall be provided in the public schools of the school district . . . ." Kan. Stat. Ann. sec. 72-5393 (1982).

KENTUCKY
Yes. "(1) If the number of children of school age in one classification of exceptionality in a district is not sufficient to justify a special education program for that exceptionality in that district, or if a school district does not provide a special education program for that exceptionality, the board shall provide a program by contract with another county or independent district or private organization that maintains a special education program approved by the state board of education for that exceptionality. (2) The school board of the school district in which any child resides shall pay for his transportation to and from the program in the other school district or to the private organization providing the program also provides transportation, the cost of transportation shall be included in the total cost." Ky. Rev. Stat. Ann. sec. 157.280 (Supp. 1982).

LOUISIANA
Yes. "[T]he Department of Education may enter into a purchase of services agreement with any other public or nonpublic school, agency, or institution to provide a free appropriate education to exceptional children . . . ." La. Rev. Stat. Ann. sec. 17:1949 (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
"Auxiliary services" include "teacher of speech and language services; . . . teacher consultant services for handicapped pupils and other auxiliary service for the handicapped . . . ." See Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

MINNESOTA
Yes. A handicapped child is entitled to attend special education classes at public school and receive transportation. Minn. Stat. sec. 120.17(9) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). See also Opinion of the Justices, 115 N.H. 553, 345 A.2d 412 (1975).

NEW JERSEY
Yes. Remedial services for handicapped children in private schools shall be provided in a location determined by the local board, except no such services shall be provided in a church or sectarian school. N.J. Stat. Ann. sec. 18A:46-19.5 (West Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
Yes. Under a dual enrollment arrangement, an eligible pupil may attend a public school for part of the day. N.Y. Educ. Law sec. 3602(c)(1) (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. "Moneys paid to school districts . . . shall be used for the following independent and fully severable purposes: . . . To provide remedial services to pupils attending non public schools within the district." Ohio Rev. Code Ann. sec. 3317.06(G) (Page Supp. 1982).

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision. However, school district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency. Wash. Admin. Code ch. 392-171-666(1) (1982). Also, the Commission for the Blind is authorized to employ "qualified educational consultants to assist public or private school teachers responsible for teaching the visually handicapped student." Wash. Rev. Code sec. 74.16.490 (1982).

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE VI(D)(4)

WHAT FORMS OF SERVICES (OTHER THAN TESTING, COUNSELING OR SPECIAL EDUCATION SERVICES) DO STATE STATUTES PROVIDE TO PRIVATE SCHOOLS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
No provision.

CALIFORNIA
Yes. Nonpublic school pupils must be enrolled, if space is available, in vocational and shop classes, and in classes covering natural and physical sciences. Cal. Educ. Code sec. 37113 (West 1978). Also the state loans specialized textbooks, materials and equipment to private schools for visually handicapped children. Cal. Educ. Code sec. 60313 (West 1978).

COLORADO
Yes. Dual enrollment "for educationally deprived children" is authorized. Colo. Rev. Stat. sec. 22-32-110(1)(cc) (Supp. 1982).

CONNECTICUT
Yes. Every town shall provide the same "health and welfare services" to children in private schools as to those in public schools, so long as the majority of the students are from Connecticut. The services include:

school physician, school nurse, dental hygienist, school psychologist, speech remedial services, school social worker's services and special language teachers for non-English speaking students. Conn. Gen. Stat. Ann. sec. 10-217a (West 1958).

Private schools may participate in breakfast, lunch and other feeding programs. Conn. Gen. Stat. Ann. sec. 10-215a, 215b (West 1958 & Supp. 1983).

An experimental demonstration scholarship program is authorized for students in either private or public schools. A demonstration area shall include a substantial number of needy or disadvantaged students. Conn. Gen. Stat. Ann. sec. 10-239a -- 239g (West 1958 & Supp. 1983).

DELAWARE

Yes. The state board of education is to make rules and regulations providing for payment of salaries for driver education teachers in nonpublic schools. Del. Code Ann. tit. 14, sec. 127 (1981).

DISTRICT OF COLUMBIA

No provision.

FLORIDA

Yes. State operated regional diagnostic and resource centers, making available a wide range of diagnostic and counseling services, are authorized to serve children not enrolled in public school for a fee. Fla. Stat. Ann. sec. 229.834 (West 1977).

GEORGIA

No provision.

GUAM

Yes. "The Board shall provide a policy for the part-time limited attendance of non-public school students in public schools for the purpose of exposing said students to specific subjects not generally available in the non-public schools. This Section shall be liberally construed to achieve its objective of providing maximum educational opportunity for all students regardless of whether they attend public or non-public schools." Guam Code Ann. tit. 17, sec. 4112 (1982).

HAWAII
No provision.

IDAHO
Yes. "[R]eimbursable programs shall be open to all residents of the state, of the ages fourteen through eighteen years whether or not they are enrolled in a public, private, or parochial school." (This applies to driver education courses). Idaho Code sec. 33-1703 (1981).

ILLINOIS
Yes. Individualized psychological services; individualized instruction; remedial instruction; activities planned to broaden the cultural experience of such children; working relationships with parents of such children; special guidance and counseling of such children and persons in their homes; cooperation with local, state and federal agencies providing facilities, services or activities for such children; employment of additional teachers where necessary. Ill. Ann. Stat. ch. 122, sec. 14B-2 (Smith. Hurd Supp. 1983).

Local school boards are authorized to grant the temporary use of public school houses and grounds (when not occupied by schools) for religious meetings and Sunday schools. Ill. Ann. Stat. ch. 122, sec. 10-22.10 (Smith-Hurd Supp. 1983).

Public school employees may be employed on a part-time or temporary basis by nonpublic schools, provided that such employment is in no way subsidized by the public school, and provided that such employment does not interfere with the employee's public school duties. Ill. Ann. Stat. ch. 122, sec. 24-1.1 (Smith-Hurd Supp. 1983).

Public school driver education classes are open to pupils in nonpublic schools Ill. Ann.Stat. ch. 122, sec. 27-24.2 (Smith-Hurd Supp. 1983).

The state statute contains a general prohibition of "any appropriation, or pay from any school funding anything in aid of any church or sectarian purpose . . . ." Ill. Ann. Stat. ch. 122, sec 22-10 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
Yes. "The state board, when necessary to meet minimum requirements for instruction, shall approve the enrollment of private school children in public school courses." Specified diagnostic (speech, hearing, psychological) services, and health services may be made available. All services must be on a neutral site. Iowa Code Ann. sec. 257.26 (West Supp. 1983).

Iowa's area education agencies (intermediate units) may provide "auxiliary services" for private schools. Iowa Code Ann. sec. 273.2(4) (West Supp. 1983).

The public school may enroll private school students in the public school's bilingual programs. Iowa Code Ann. sec. 280.4(3) (West Supp. 1983).

KANSAS
Yes. "[E]very pupil enrolled in a school district or an accredited nonpublic school shall be provided basic hearing screening without charge . . . " Kan. Stat. Ann. sec. 72-1204 (1980).

KENTUCKY
No provision.

LOUISIANA
No provision.

MAINE
No provision.

MARYLAND
Yes. "On application and at no expense to the county or State, each county board may allow any private or parochial school to connect its facilities to a closed-circuit educational television system that is maintained for the use of the public school system for any program presented by way of the system." Md. Educ. Code Ann. sec. 7-107 (1978).

"Each county health department shall provide and fund hearing and vision screenings for all students: (i) In any private school that has received a certificate of approval under sec. 2-206 of this article." Md. Educ. Code Ann. sec. 7-403 (Supp. 1983).

MASSACHUSETTS
Physical health examinations of private school pupils are available, at the request of a parent of a pupil in a private school which does not discriminate on the basis of race in its admissions. Mass. Gen. Laws ch. 71, sec. 57 (West 1982).

MICHIGAN
Yes. Mich. Comp. Laws Ann. sec. 380.1217 (West Supp. 1983). School districts must make "auxiliary services" available to students on an equal basis, whether they attend public or nonpublic schools. Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983). This includes street crossing guard services.

MINNESOTA
Yes. Health services are available as well at "a public school, a neutral site, the nonpublic school or any other suitable location." Minn. Stat. Ann. sec. 123.935 (Subd. 2) (West Supp. 1983).

A nonpublic school may participate in the state's basic skills program (providing technical assistance). Minn. Stat. sec. 121.495(3) (West Supp. 1983).

MISSISSIPPI
Yes. Students attending private schools for the purpose of a secular education, may receive a loan not to exceed $200 per year or a total of $2,400. Miss. Code Ann. secs. 37-51-1 through 37-51-21 (1972).

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE

Yes. The following may be supplied: School physician service, School nurse services, School health services, Textbooks and educational materials, Health and welfare services equivalent to those provided by public schools including speech correction and remedial and diagnostic services, Driver education, Educational television services, Programs for handicapped children, Physical education, and the Hot lunch program. N.H. Rev. Stat. Ann. sec. 189:49 (1977).

NEW JERSEY
County educational audiovisual aids commissions may contract with private nonprofit schools to provide audiovisual aids to the private schools. N.J. Stat. Ann. sec. 18A:51-6 (West Supp. 1983). Also available are support and assistance from educational improvement centers, consisting of diagnosis of educational problems, and development of instructional materials, "[to] the extent permitted by law." N.J. Stat. Ann. sec. 18A:6-95 (West Supp. 1983). Environmental instruction is available from regional environmental education centers. N.J. Stat. Ann secs. 18A:6-83,87 (West Supp. 1983). School lunches are provided to eligible children in private schools. N.J. Stat. Ann. secs. 18A:58-7.1, 58-7.2 (West Supp. 1983).

NEW MEXICO
No provision.

NEW YORK
Yes. Every school district shall provide children in private schools, upon request of authorities in that school, all health and welfare services or facilities which are provided to public school students, e.g. services performed by a physician, dentist, dental hygienist, nurse, school psychologist, school social worker, school speech correctionist, vision and hearing tests, and health screening tests. N.Y. Educ. Law sec. 912 (McKinney Supp. 1983). The constitutionality of this provision was upheld in Filler v. Port Washington University Free School, 436 F. Supp. 1231 (E.D.N.Y. 1977).

Pupils in nonpublic schools may also enroll in public school programs in three categories: occupational, handicapped, and gifted education. Such dual enrollment does not in any way jeopardize the pupil's enrollment in the nonpublic school, nor does it involve the pupil's registration in a public school. Through a request for participation in a dual enrollment program, a pupil is enrolled, but no formal registration in the public school is required. The law provides that nonpublic school pupils may not be segregated from public school pupils in any dual enrollment programs. N.Y. Educ. Law sec. 3602(c) (McKinney Supp. 1983).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. Hearing tests, doctor's, dental and optometric services are provided. Ohio Rev. Code Ann. sec. 3317.06(B)(C) (Page Supp. 1982).

Clerical personnel are funded to assist in the administrations of programs for private education. Ohio Rev. Code Ann. sec. 3317.06(J) (Page 1980).

OKLAHOMA
No provision.

OREGON
Private school children may take driver's education in a public school. Or. Rev. Stat. sec. 343.730-343.730 (1981).

PENNSYLVANIA
Yes. Auxiliary services under 9-972.1 encompass psychological and visual services, remedial services, and speech and hearing services. Pa. Stat. Ann. tit. 24, sec. 9-972.1(b) (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
Yes. The federally funded School Lunch Program extends to private school children. See generally R.I. Gen. Laws sec. 16-8-7 and 16-8-8 (1981).

SOUTH CAROLINA

No provision.

SOUTH DAKOTA

Private schools do not have to pay sales tax or use tax. S.D. Codified Laws Ann. secs. 10-45-14 & 10-46-15 (1978).

TENNESSEE

No provision.

TEXAS

No provision.

UTAH

Yes. Private school students may enroll for driver education on the same terms and conditions as public school students at no cost. Utah Code Ann. sec. 53-14-13.5 (1981).

VERMONT

No provision.

VIRGINIA

No provision.

VIRGIN ISLANDS

No provision.

WASHINGTON

Yes. "The board of directors of any school district is authorized, and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary series for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses with the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school with the district for the purpose of attending a class or classes or a course of instruction if the class, classes or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: *Provided*, that this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district. Wash. Rev. Code sec. 28A.41.145(2) (1983).

WEST VIRGINIA
"Any private, parochial or church school or school of a religious order or other nonpublic school . . . may, on a voluntary basis, participate in any state operated or state sponsored program otherwise available to such schools by law." W. Va. Code sec. 18-28-4 (1984).

WISCONSIN
No.

WYOMING
No provision.

TABLE VI(E)

DO STATE STATUTES PROVIDE FOR RELEASE TIME FOR A PORTION OF THE PUBLIC SCHOOL PROGRAM TO PERMIT PUPILS TO ATTEND CHURCH SCHOOL OR OTHER RELIGIOUS TRAINING?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No statutory provision. *But see*, Op. Atty. Gen. No. R76-292, p. 111, 1976-77. Permitting child to be absent from public school for religious purposes is constitutionally permissible where consent has been obtained, on an annual basis, from all teachers, school presidents, and probation officers for excused absences for religious purposes; but the total number of days of excused religious absences must be reasonable in order that the exemption for excused absences not be abused.

ARKANSAS
No provision.

CALIFORNIA
Yes, but the pupil must attend "at least the minimum school day for his grade for elementary schools," and follow regulations of the State Board for secondary schools. Cal. Educ. Code sec. 46014 (West 1978).

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Yes. "A student with the notarized written consent of his parents or guardians or a student who has attained the age of majority, upon application of the student, may be excused from attendance in school in grades through 12 for a period of not more than one class period, but not to exceed one class hour, during each school day to participate in religious instruction . . . ." Fla. Stat. Ann. sec. 232.0225 (West Supp. 1983).

GEORGIA
No provision. *But see* 1968 Op. Att'y Gen. 68-228, local boards may release pupils on the request of their parents to attend religious services or instruction off school premises.

GUAM
Yes, for no more than one hour per week. Guam Code Ann. tit. 17, sec. 3122 (1982).

HAWAII
Yes. Release time is not to exceed 60 minutes a week and attendance at religious class shall count as attendance at public schools. Hawaii Rev. Stat. sec. 298-15 (Supp. 1982)

IDAHO
No provision.

ILLINOIS
Yes. Any child over 12 and under 14 is excepted from the compulsory public school attendance requirement "while in attendance at confirmation classes." Ill. Ann. Stat. ch. 122, sec. 26-1(4) (Smith-Hurd Supp. 1983).

Local schools may permit part time attendance in public schools by pupils enrolled in nonpublic schools where there is sufficient space. Ill. Ann. Stat. ch. 122, sec. 10-20.24 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
Yes. The attendance requirement will not apply to a child "[w]hile attending religious services or receiving religious instructions." Iowa Code Ann. sec. 299.2(4) (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
Yes. "The boards of education shall fix one (1) day each week when pupils who have expressed a desire for moral instruction may be excused for at least one (1) hour to attend their respective places of worship or some other suitable place to receive moral instruction in accordance with the religious faith or preference of the pupils." Ky. Rev. Stat. Ann. sec. 158.220 (1980).

LOUISIANA
No. Children may be excused only for "special and recognized holidays of the child's own faith." La. Rev. Stat. Ann. sec. 17:226(3)(d) (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
Yes. "Absences may also be permitted for religious education at such times as the school committee may establish; provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto; and provided, further that such time shall be no more than one hour each

week." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

MICHIGAN
Yes. There is release time "[f]or all children age 12 and 13, to attend confirmation classes, for no more than five months in either year." Mich. Comp. Laws Ann. sec. 380.1561(3)(d) (West Supp. 1983). Also, release time is granted "[f]or all public school children, for religious class instruction, for no more than two class hours per week." Mich. Comp. Laws Ann. sec. 380.1561(3)(a) (West Supp. 1983).

MINNESOTA
Yes. An exemption to the compulsory education law is permitted when the child "attends for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church . . . ." Minn. Stat. Ann. sec. 120.10 (Subd. 3 (3)) (West Supp. 1983).

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
Yes. Mont. Code Ann. 20-1-308 (1983). "The trustees of an elementary or high school district may provide for a religious instruction release time program under which a pupil may be released from regular school attendance for a period not to exceed two hours per week for the purpose of receiving religious instruction . . . ." Mont. Code Ann. 20-1-308 (1983).

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No.

NEW JERSEY
No provision. However, an attorney general's opinion upholds dual enrollment programs as valid. Attorney General F.O. 1965, No. 4.

NEW MEXICO
Yes. The time absent is not to exceed one hour each school day, and it must be approved by the local school board. N.M. Stat. Ann. sec. 22-12-3 (1978).

NEW YORK
Yes. Release time for religious observance and education is authorized under rules established by Commissioner of Education. N.Y. Educ. Law sec. 3210(1)(b) (McKinney 1981).

NORTH CAROLINA
No provision.

NORTH DAKOTA
Yes. "Upon the request of an elementary or high school student's parent or guardian, the school district shall release such student for a period of not to exceed one hour per week for religious instruction, at such time as prescribed by the school board after consultation with the parent or guardian of such student." N.D. Cent. Code sec. 15-34.2-17 (1981).

OHIO
No provision.

OKLAHOMA
No provision. However, children of the Jewish faith are excused on Rosh Hashanah and Yom Kippur. Okla. Stat. Ann. tit. 70, sec. 10-105 (West Supp. 1982).

OREGON
Yes. Up to two hours per week. Or. Rev. Stat. sec. 339.420 (1981).

PENNSYLVANIA
Yes. Up to 36 hours per school year may be used for release time "provided that the request shall identify

and describe the instruction, and the dates and hours for which absence is requested." The parent must also submit "a statement attesting that the child did in fact attend the instruction . . . ." Pa. Stat. Ann. tit. 24, sec. 15-1546 (Purdon Supp. 1983).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Yes. Release time to attend a church or association of churches is permitted, but not at public expense. S.D. Codified Laws Ann. sec. 13-33-10 (1982).

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
Yes. The periodic released time statute provides time for religious instruction at least once a week, not on public school property. Such programs must not interfere with any student's completion of graduation requirements. Written permission by a parent is required. Vt. Stat. Ann. tit. 16, secs. 1051, 1055 (1974).

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision. However, the local district has authority to temporarily excuse children from attendance requirements on request of a parent. The excused absence is not to be granted if "deemed to cause a serious adverse effect upon the student's eductional progress . . . ." See Wash. Rev. Code sec. 28A.27.010 (1982).

WEST VIRGINIA
A child may be exempted by the county board of education, from the compulsory public school attendance requirement "for religious instruction upon written request of the person having legal or actual charge of a child." It is not clear whether this exemption refers to total excusal or simply released time. W. Va. Code sec. 18-8-1(J) (1984).

However, "it is the public policy of the state in matters of education that no human authority shall, in any case whatever, control or interfere with the rights of conscience or with religious liberty . . . [but that all people shall] be free to select their religious instructor, and to make for his or her support, such private contract as they shall please, and that religion, morality and knowledge being necessary to good government and the happiness of humankind, the means of education shall forever be encouraged." W. Va. Code sec. 18-28-1 (1984).

WISCONSIN
Yes. "Any school board shall, without approval of the state superintendent, permit pupils with written permission of a parent or guardian to be absent from school at least 60 minutes, but more than 180 minutes per week to obtain religious instruction outside the school during the required school period. The supervisor of such religious instruction shall report monthly, to the principal of the school regularly attended, the names of the pupils who attended such weekly religious instruction. The school board may deny the privilege of released time to pupils who absent themselves from such religious instruction after requesting the privilege. The time period, or periods alloted for the pupil to be absent from school for the purpose of religious instruction shall be determined by the school board." Wis. Stat. Ann. sec. 118.155(1) (West Supp. 1983).

WYOMING
No provision.

TABLE VI(F)

DO STATE STATUTES PROVIDE FOR PERSONAL INCOME TAX DEDUCTIONS FOR TUITION PAYMENTS OR OTHER EDUCATION EXPENSES FOR ELEMENTARY AND SECONDARY STUDENTS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

MINNESOTA

Yes. State taxpayers in computing their state income tax are allowed to deduct expenses incurred in providing "tuition, textbooks and transportation." Deducations include up to $500.00 for grades K to 6; up to $700.00 for grades 7-12, including textbooks and transportation (within the state or to an adjacent state only). Minn. Stat. Ann. sec. 290.09 (22) (West Supp. 1983). In Mueller v. Allen, 103 S. Ct. 3062 (1983), the Supreme Court upheld the tax deduction for parents sending their children to parochial schools, primarily because it was also available to parents sending their children to public schools.

NEW JERSEY

No. An earlier law providing for an income tax deduction was held unconstitutional in Public Funds for Public Schools v. Byrne 590 F.2d 514, (3rd Cir. 1979) aff'd, 442 U.S.907 (1979). (Construing N.J. Stat. Ann. sec. 54A:3-1(b)(2) (West Supp. 1983).

RHODE ISLAND

Yes. "The deduction is limited to $500 for each dependent in Kindergarten through 6th grade and $700 for each dependent in grades 7-12 . . . attending elementary or secondary school." The school must be nonprofit. R.I. Gen. Laws sec. 44-30-12 (1981).

No other relevant provisions were found in any other states.

TABLE VI(G)

DO STATE STATUTES PROVIDE FOR PERSONAL INCOME TAX CREDITS FOR TUITION PAYMENTS OR OTHER EDUCATION EXPENSES FOR ELEMENTARY AND SECONDARY STUDENTS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, June 13, 1984

LOUISIANA

Yes. "There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount determined under R.S. 47:86 for tuition paid by himself to any private nonprofit elementary or secondary school during the taxable year for elementary or secondary education of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year . . . ." The credit amount shall not exceed the lesser of 1/2 the tuition paid, or fifty dollars, and the school which the child attends must comply with the Civil Rights Act of 1964. La. Rev. Stat. Ann. secs. 47:85 through 47:89 (West Supp. 1983).

OHIO

Yes. Private school tuition tax credits are allowed if a child is enrolled in grades 1-12 in a school for which state board of education prescribes minimum standards and which does not discriminate in the admission of pupils or hiring of teachers on basis of race, creed, color or national origin. Ohio Rev. Code Ann. sec. 5747.05 (Page 1980).

OKLAHOMA

No. However there is provision for credit on property taxes toward payment of tuition in another public school district. Okla. Stat. Ann. tit. 70, sec. 1-113(b) (West Supp. 1982).

No other relevant provisions were found in any other states.

TABLE VI(H)

DO STATE STATUTES PROVIDE FOR ANY FORM OF DIRECT FINANCIAL AID TO FAMILIES WITH CHILDREN IN PRIVATE ELEMENTARY OR SECONDARY SCHOOLS? -- OR TO THE SCHOOLS THEMSELVES? (SPECIFY IF LOAN OR GRANT)

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ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARIZONA
No provision.

ARKANSAS
Yes. "[W]henever, for any reason beyond his or her control, any person of school age, except those recognized as having special problems, shall be prohibited from attending public school, such person . . . may make application to the local school district and/or the State Department of Education for financial aid." Ark. Stat. Ann. sec. 80-1545 (1980).

There is also a provision for financial aid to a student who objects to racial "co-mingling" in a school, but it is clearly unconstitutional under the federal equal protection clause. *See* Ark. Stat. Ann. sec. 80-1530 (1980).

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
Yes. Tuition costs may be reimbursed to parents wishing to send their children to nonsectarian private schools, if the county board determines that a need exists for such payments. The grants are restricted to students attending a private school which meets minimum academic standards prescribed by the State Board of Education. The state superintendent must furnish a list of private schools meeting such standards. Regulations governing the grant program may not deal in any manner with the requirements of the private school relating to eligibility of pupils who may be admitted, or with the physical plant facilities of the school. Ga. Code Ann. secs. 20-2-640 through 20-2-650 (1982).

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No general provision. See, People ex. rel., Klinger v. Howlett, 305 N.E.2d 129 (1972) (holding a previous grant plan unconstitutional). However, there is a state fund established to provide grants for innovative secular educational programs in public or private schools. Ill. Ann. Stat. ch. 122, secs. 1051 through 1070 (Smith-Hurd Supp. 1983).

INDIANA
No provision.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. Parents whose income does not exceed $7,500.00 per year, and whose child attends a nonpublic school shall be reimbursed $50.00 per student in grades 1 through 8 and $75.00 per student in grades 9 through 12. La. Rev. Stat. Ann. secs. 17:2990.1 through 17:2990.6 (West 1982).

MAINE
Yes. "A private secondary school may be approved for the receipt of public funds for tuition purposes only if it: meets the requirements for basic school approval . . . ; is non-sectarian . . . ; is incorporated under the laws of the State of Maine or of the United States; and complies with the operating and auditing requirements of [the State Board of Education]. Me. Rev. Stat. Ann. tit. 20-A, sec. 2951 (1983).

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No. "A board of a school district shall not apply moneys received by it from any source for the support and maintenance of a school sectarian in character." Mich. Comp. Laws Ann. sec. 380.1217 (West Supp. 1984).

"Nothing in this [private school] act contained shall be construed so as to permit any parochial denominational, or private school to participate in the distribution of the primary school fund." Mich. Comp. Laws Ann. sec. 388.577 (West 1976).

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No provision. However a "test of education voucher programs" when federal funds become available is authorized. The programs "are intended to aid students and not to aid any particular school or type of school." N.H. Rev. Stat. Ann. secs. 194-A:1 through 194-A:8 (1977)

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No. A statute providing for grants to private schools for maintenance and repair, and tuition reimbursement for low income parents was held unconstituional. Committee for Public Education v. Nyquist, 413 U.S. 756 (1976) (construing N.Y. Educ. Law secs. 549 through 553, and secs. 559 through 563 (McKinney Supp. 1983)).

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
Yes. Nonpublic schools are reimbursed (not to exceed $100.00 per pupil) for the "[a]ctual mandated service administrative and clerical cost incurred by such school . . . in preparing maintaining, and filing reports, forms, and records, and in providing such other administrative and clerical services that are not an integral part of the teaching process as may be required by state law or rule . . . ." Ohio Rev. Code Ann. sec. 3317.063 (Page Supp. 1982).

OKLAHOMA
No provision.

OREGON
No provsion.

PENNSYLVANIA
No. The Parent Reimbursement Act for Nonpublic Education was declared unconstitutional in *Sloan v. Lemon*, 413 U.S. 825 (1973).

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision. A tuition program (S.C. Code sec. 59-41-20) was declared unconstitutional in *Brown v. South Carolina State Bd. of Educ.*, 296 F. Supp. 199 (D.S.C. 1968).

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No. An earlier aid statute which paid salaries of private school teachers was held unconstitutional in Americans for Separation of Church and State v. Oakey, 339 F. Supp. 545 (D. Vt. 1972).

VIRGINIA
No provision.

VIRGIN ISLANDS
Yes. "Subsidies from Government funds available for such purpose may be granted to schools other than public schools, for strictly educational purposes . . . . However, no subsidy or financial help shall be given by the Government to denominational or sectarian schools or institutions. Subsidies may be withdrawn at any time by the Board upon the recommendation of the Commissioner." V.I. Code Ann. tit. 17, sec. 191 (1976).

WASHINGTON
No provision.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

TABLE VI(I)

DO STATE STATUTES PROVIDE FOR PRIVATE PLACEMENT AND TUITION PAYMENTS FOR SPECIAL EDUCATION STUDENTS?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
No provision.

ALASKA
Yes. An exceptional child may be sent to a special education program outside the school district of residence if no appropriate program is available. The costs for education are divided between the local school district and the state board of education. Alaska Stat. sec. 14.30.285(b) (1982).

An exceptional child may be sent out of state to a special education program if no appropriate program is available in the state. The costs for education are borne by the state. Alaska Stat. sec. 14.30.285(c) (1982).

AMERICAN SAMOA
No provision.

ARIZONA
Yes. "A school district or county school superintendent may contract with, and make payments to, other public or private schools, institutions and agencies approved by the division of special education, within or without the school district or county, for the education of and provision of services to exceptional children . . . ." Ariz. Rev. Stat. Ann. sec. 15-1181 (Supp. 1982).

ARKANSAS
Yes. "The Department of Education shall provide, or cause to be provided by school districts, . . . or through private facilities, all regular and special education . . . ." Ark. Stat. Ann. sec. 80-2117 (1980).

CALIFORNIA
Yes. This is limited to special education students for

whom no appropriate public education program is available, and to nonsectarian school placement. Cal. Educ. Code sec. 56365 (West Supp. 1983).

COLORADO
Yes. A handicapped child's individual education program "may include the provision of appropriate services for the handicapped child, by agreement or contract with public agencies or nonprofit organizations or residential child care facilities." Colo. Rev. Stat. sec. 22-20-108(4) (Supp. 1982).

CONNECTICUT
Yes. Each local or regional board of education may contract with a private school when the public school cannot meet the needs of the handicapped child. Conn. Gen. Stat. Ann. sec. 10-76d(b) (West Supp. 1983).

A local board that does not maintain a high school must designate a high school, approved by the state board, and pay tuition for its resident children to allow them to attend. Conn. Gen. Stat. Ann. sec. 10-33 (West Supp. 1983). Under this provision Connecticut has designated two privately organized schools. One is considered quasi-public, as it received about 80% of its revenue through tuition payments from local boards.

DELAWARE
Yes. "Private placement with financial aid" is authorized in limited circumstances. The private schools for these placements must be approved by the state board of education. Del. Code Ann. tit. 14, sec. 3124 (1981).

DISTRICT OF COLUMBIA
No provision.

FLORIDA
Yes. The school board has authority to make cooperative agreements or contracts with "approved nonpublic schools or community facilities." Fla. Stat. Ann. sec. 230.23(4)(m)(4) (West Supp. 1983).

GEORGIA
Yes. The state board may provide special education services by: "(1) contracting with or making grants to suitable private or public institutions, or with both

public and private institutions, inside or outside this state for the provision of such services . . . ." Ga. Code Ann. sec. 20-2-152(c) (1982).

GUAM
Yes. The Department of Education may contract with approved private schools for the provision of services to handicapped children. Guam Code Ann. tit. 17, sec. 9107 (1982).

HAWAII
Yes. If the parents of a crippled child are unable to pay the cost of services the Department of Health will pay. Hawaii Rev. Stat. sec. 321-54 (Supp. 1982)

IDAHO
No provision.

ILLINOIS
Yes. The school district is responsible for private school tuition only where the public school is unable to meet the needs of the child. Ill. Ann. Stat. ch. 122, sec. 14-7.02 (Smith-Hurd Supp. 1983).

INDIANA
Yes. "The superintendent of public instruction is authorized to contract with in or out-of-state private schools to pay the excess costs of educating children of school age . . . [p]rovided . . . [t]hat any such payment of state moneys be made only in situations wherein the costs of such provision are over and above the regular cost of educating children of like age and grade level in the child's community of residence, and only after each such local school corporations provides its share of the total tuition cost which is the regular per capita cost of general eduction in that community." Ind. Code Ann. sec. 20-1-6-19 (Burns Supp. 1983).

IOWA
No provision.

KANSAS
Yes. "Whenever an exceptional child is educated by a private non-profit corporation or a private institution, such child shall be considered a pupil of the school district . . . for purpose of determining entitlements

and participation in all state, county and other financial assistance or payments to such school district." Kan. Stat. Ann. sec. 72-967(5) (1980).

KENTUCKY
Yes. "If the number of children . . . is not sufficient to justify a special education program . . . the board shall provide a program by contract with another county or . . . private organization . . . the cost of which shall not exceed the amount designated by the state department of education for a child of that particular exceptionality." Ky. Rev. Stat. Ann. sec. 157.280 (Supp. 1982).

LOUISIANA
Yes. "In purchasing such [special education] services, the parish or city school board is authorized to negotiate a contract for special education and related services and to pay tuition or other costs . . . ." La. Rev. Stat. Ann. sec. 1949 (West 1982).

MAINE
Yes. The commissioner is authorized to make tuition and board payments directly to private special education boarding schools which receive state wards or other pupils placed directly by the state. Me. Rev. Stat. Ann. tit. 20-A, sec. 7302(2) (1983).

MARYLAND
Yes. "A child who needs special educational services that are not provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services." Md. Educ. Code Ann. sec. 8-409 (Supp. 1983).

MASSACHUSETTS
Yes. Local schools may contract with private schools to provide special education. Mass. Gen. Laws ch. 71B, sec. 4 (West 1982); Mass. Gen. Laws ch. 15, sec. 1M(4) (West 1981). The Massachusetts special education law [Mass. Gen. Laws ch. 71B, sec. 4 (West 1982)] provides for private placement of children with special needs if no appropriate program is available within the public school system, and parents agree to the placement. Private placement is also available if parents object to the public program proposed for the child, and the state department reviews the proposal and finds private placement warranted. This law was upheld and found not

to violate the state constitutional prohibition on aid to private schools, in Commonwealth v. School Comm. of Springfield, 417 N.E.2d 408 (1981).

MICHIGAN
No provision.

MINNESOTA
No provision. However, "[i]f a resident handicapped pupil attends a nonpublic school located within the district of his residence, the district shall provide necessary transportation for that pupil . . . ." Minn. Stat. Ann. sec. 120.17 (Subd. 9) (West Supp. 1983).

MISSISSIPPI
Yes. "Every child who is a resident citizen of the State of Mississippi under twenty-one (21) years of age, who cannot pursue all regular classwork due to reasons of defective hearing, vision, speech, mental retardation, or other mental or physical conditions as determined by competent medical authorities and psychologists, who has not finished or graduated from high school, and who is in attendance in a private or parochial school, shall be eligible and entitled to receive state financial assistance . . . ." Miss. Code Ann. sec. 37-23-61 (1972 and Supp. 1982).

MISSOURI
Yes. "[T]he state board of education may contract for the education of a severely handicapped child . . . with a private agency when the state department of education determines that such an arrangement would be in the best interests of the severely handicapped child." Mo. Ann. Stat. sec. 162.735 (Vernon Supp. 1983).

MONTANA
Yes. "Whenever the trustees determine that a handicapped child is in need of services that can only be provided by a private institution and the superintendent or public instructor so approves, the board of trustees may negotiate the amount and manner of payment of tuition . . . ." Mont. Code Ann. 20-7-423 (1983).

NEBRASKA
Yes. The state may contract with any approved institution in the United States for the education of

multihandicapped children. Neb. Rev. Stat. sec. 43-601 (1982).

NEVADA
Implied. "The superintendent of public instruction may provide for the education and care of any handicapped person who is eligible for such benefits by: (a) Making arrangments with the governing body of any institution for the handicapped in any state having any such institution." Nev. Rev. Stat. sec. 395.010(1) (1981).

NEW HAMPSHIRE
Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). No public monies for the education of handicapped children shall be paid or granted to a nonpublic school, which has not been approved by the state board of education. N.H. Rev. Stat. Ann. sec. 198:20-a (1977).

NEW JERSEY
No provision.

NEW MEXICO
Yes. "A local school board may make an agreement with private, nonsectarian, nonprofit educational training centers for educating exceptional children and for providing for payment for such education." All such agreements must be approved by the state superintendant of education. N.M. Stat. Ann. sec. 22-13-8 (Supp. 1983).

NEW YORK
Yes. The state can contract with private schools for the special education of handicapped students. N.Y. Educ. Law sec. 4401.2 (McKinney 1981 & Supp. 1983).

NORTH CAROLINA
Yes. "When a specified special education or related service is being offered by a local public or private resource, any unit or agency described above shall negotiate for the purchase of that service or shall present full consideration of alternatives and its recommendations to the Board." N.C. Gen. Stat. sec. 115C-110 (1983).

NORTH DAKOTA
Yes. "If any . . . handicapped . . . student . . . is unable to attend the public schools in the district

because of a physical or mental handicap or because of a learning disability, such school district shall contract with any accredited private nonsectarian nonprofit corporation within or without the state . . . which has proper facilities for the education of such student. The contract shall provide that such school district agrees to pay . . . an amount for the school year equal to two and on-half times the state average per-pupil elementary or high school cost. . . ." N.D. Cent. Code sec. 15-59.07 (1981). See *In re G.H.*, 218 N.W.2d 441 (N.D. 1974).

OHIO

Implied. "It is the purpose of this chapter to assure that all handicapped children of compulsory school age in this state shall be provided with an appropriate public education." Ohio Rev. Code Ann. sec. 3323.02 (Page Supp. 1982).

Appropriate public education is that "[p]rovided at public expense . . . ." Ohio Rev. Code Ann. sec. 3323.01(D)(1) (Page Supp. 1982).

OKLAHOMA

Yes. "It shall be the duty of each school district to provide special education for all exceptional children herein defined . . . [t]his duty may be satisfied by: [t]he district joining in a cooperative program with a private . . . institution within such district to provide special education for children who ar deaf or hard-of-hearing, or for children who are blind or partially blind . . . ." Okla. Stat. Ann. tit. 70, sec. 13-101(4) (West Supp. 1982).

OREGON

Yes. For any handicapped child, the local board, "may contract with private agencies . . . for special education." *See* Or. Rev. Stat. sec. 343.221(4). The district must provide an alternative program for children who are about to be expelled. The alternative can be private, if no public program is available; the private program must be registered with the state department of education, and special education must be approved by the state department. Or. Rev. Stat. sec. 339.253 (1981).

PENNSYLVANIA

Yes. If a handicapped child is approved by the Department of Education to enroll in a school under the supervision of or subject to review or approval by the Department of Education, "the school district . . . shall pay 20% of the cost of tuition and maintenance . . . ; and the Commonwealth shall pay . . . 80% of the cost of tuition and maintenance." The statute provides upper limits on the amount the state will pay for tuition and maintenance depending on the type of handicap. Pa. Stat. Ann. tit. 24, sec. 13-1376 (Purdon Supp. 1983).

PUERTO RICO
Yes. "The Secretary is likewise empowered and directed to contract for the services of any institution or private school for deaf-mutes . . . ." P.R. Laws Ann. tit. 18, sec. 1044 (1974).

RHODE ISLAND
No provision.

SOUTH CAROLINA
Yes. "When a school district cannot . . . [provide] for the education of its resident handicapped students because of insufficient numbers the district may contract with . . . private institutions . . . provided, . . . such institutions shall accept applicable children, into the program regardless of color, race, sex or religion." S.C. Code sec. 59-33-50 (1976).

SOUTH DAKOTA
Yes. "The superintendent of elementary and secondary education shall have the authority to assign children to a vendor for purposes of special education . . . . When a child has been so assigned, the school district where such child has school residence shall be responsible for the costs of such special education . . . ." S.D. Codified Laws Ann. sec. 13-37-7 (1982).

TENNESSEE
Yes. "The responsibility of local governments, school districts, and the state, to provide a free public education for handicapped children is not diminished by the availability of private schools and services. Whenever such schools and services are utilized, it continues to be the public responsibility to assure an appropriate quantity and quality of instructional and related services . . . ." Tenn. Code Ann. sec. 49-2913(E) (1977).

TEXAS
Yes. Residential placements when approved may be paid for from a combination of federal, state and local funds. Tex. Educ. Code Ann. sec. 16.104(1) (Vernon Supp. 1982).

UTAH
No provision.

VERMONT
Yes. The commissioner of education may provide for the private instruction of handicapped children "when private instruction will best serve the interests of such persons." The state will pay the tuition in private school for such pupils. Vt. Stat. Ann. tit. 16, secs. 3441(3), 3445 (1982).

VIRGINIA
Yes. "If a school division is unable to provide a free appropriate public education to a handicapped child and it is not appropriately available in a State facility, it shall offer to place the child in a nonsectarian private school for the handicapped approved by the Board of Education . . . . The school board of such division shall pay to, or on behalf of the parent or guardian of such child, the reasonable tuition cost and other reasonable charges as may be determined by the Board of Education . . . ." Va. Code sec. 22.1-218 (1980).

VIRGIN ISLANDS
Yes. "Nothing in this chapter shall be construed to prevent the Department of Education from making arrangements with, and/or payments to, public and private schools, institutions and agencies, for services to handicapped children where it is unable to provide satisfactory service with its own facilities and personnel . . . ." V.I. Code Ann. tit. 17, sec. 288(a) (Supp. 1982).

WASHINGTON
No provision.

WEST VIRGINIA
Yes. The State Board of Education must adopt rules and regulations to assure that all exceptional children, including those in private schools, "receive an

education in accordance with the mandates of state and federal laws." W. Va. Code sec. 18-20-1 (1984).

WISCONSIN
Yes. "To provide a special education program which is appropriate to the child's needs, the school board may, upon approval of the state superintendent and if no equivalent public program is available, contract with a private special education service if the placement is warranted on the basis of a less restrictive environment alternative. Private special education services provided under this subchapter may not include religious or sectarian teachings or instruction. If the local school board utilizes the placement option under this paragraph, the school district of residence and not the county of residence shall pay tuition charges for exceptional children." Wis. Stat. Ann. sec. 115.85(2)(d) (West Supp. 1983).

WYOMING
No provision.

TABLE VII (A)

DO STATE STATUTES CREATE AN OFFICE OF PRIVATE EDUCATION?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
No provision.

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARKANSAS
No provision.

ARIZONA
No provision.

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision. However, the position exists as part of

the staff of the Commissioner of Education.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
Superintendent of Education in the Department of Education.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
No provision.

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. The State Board of Education. La. Rev. Stat. Ann. sec. 17:11(A) (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No provision.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No. However, the Commissioner of Education established the Office for Nonpublic School Services headed by the Assistant Commissioner for Nonpublic School Services. This office, part of the Office for Elementary, Secondary and Continuing Education, is a liaison for nonpublic schools and the Department and for nonpublic

and public schools.

NORTH CAROLINA
No provision.

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
No provision.

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
Yes. It shall be the duty of the superintendent of elementary and secondary education to keep the state board of education currently advised as to the operation and status of the . . . nonpublic schools and recommend to the board such polcies and rules as he deems necessary for educational progress. S.D. Codified Laws sec. 13-3-53 (1981).

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
No provision. However, there is a Director of Private Education in the Office of the Superintendent of Public Instruction.

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
The state liaison for nonparochial private schools is located in the state department of education. Wyo. Stat. sec. 21-11-101 (1977).

TABLE VII (B)

DO STATE STATUTES CREATE AN ADVISORY BOARD FOR PRIVATE EDUCATION? IF SO, HOW IS THE BOARD TO BE CONSTITUTED?

COPYRIGHTED, EDUCATION COMMISSION OF THE STATES, July 2, 1984

ALABAMA
No provision..

ALASKA
No provision.

AMERICAN SAMOA
No provision.

ARKANSAS
No provision.

ARIZONA
No provision. However, the governing board may call meetings of the school electors for consultation concerning any litigation in which the district is engaged. Ariz. Rev. Stat. sec. 15-327 (Supp. 1982).

CALIFORNIA
No provision.

COLORADO
No provision.

CONNECTICUT
No provision.

DELAWARE
No provision.

DISTRICT OF COLUMBIA
No provision.

FLORIDA
No provision.

GEORGIA
No provision.

GUAM
No provision.

HAWAII
No provision.

IDAHO
No provision.

ILLINOIS
No provision.

INDIANA
No provision.

IOWA
Yes. "A private school advisory committee" is established; it consists of five members, appointed by the governor, to be U.S. citizens and Iowa residents. Iowa Code Ann. sec. 257.30 (West Supp. 1983).

KANSAS
No provision.

KENTUCKY
No provision.

LOUISIANA
Yes. The advisory board is composed of "private and proprietary school representatives." La. Rev. Stat. Ann. sec. 17:11(A) (West 1982).

MAINE
No provision.

MARYLAND
No provision.

MASSACHUSETTS
No provision.

MICHIGAN
No provision.

MINNESOTA
No provision.

MISSISSIPPI
No provision.

MISSOURI
No provision.

MONTANA
No provision.

NEBRASKA
No provision.

NEVADA
No provision.

NEW HAMPSHIRE
No. However, there is a statutory Council for Teacher Education, to coordinate teacher education by issuing advisory reports to public and private schools concerned with teacher education. N.H. Rev. Stat. Ann. secs. 190:1--190:7 (1977). This Council includes:

- the Commissioner of Education
- the Chairman of Department of Education of University of New Hampshire
- three appointees;
    - One from private school.
    - One from public school.
    - One layman.
- the Presidents of two state colleges.

There is also a Nonpublic School Advisory Council established by the state board to advise the commissioner on all matters pertaining to nonpublic education. New Hampshire Board Regulations, Chapter 4.

NEW JERSEY
No provision.

NEW MEXICO
No provision.

NEW YORK
No. However, the Commissioner of Education established the Commissioner's Advisory Council for Nonpublic Schools in 1980. The twelve-member board is composed of representatives of the major types of schools which comprise the nonpublic sector.

NORTH CAROLINA
Yes. "[T]he Superintendent of Public Instruction shall appoint an advisory committee compose of not less than five members who shall serve at his will and pleasure and who are fairly representative of the types of private schools or educational institutions operated, conducted and maintained within this State, whose duties shall be to advise the Superintendent of Public Instruction regarding the criteria to be used in formulating standards and the rules and regulations thereunder to be prescribed for the administration of this Article . . . ." N.C. Gen. Stat. sec. 115C-575 (1983).

NORTH DAKOTA
No provision.

OHIO
No provision.

OKLAHOMA
No provision.

OREGON
Yes. An "[a]dvisory committee of seven members is established,

to be appointed by the State Board of Education, on recommendation of the Superintendent of Public Instruction. Six members shall be selected from nominees of organizations of private schools and other segments of private education. One aditional member shall be a layperson who is not associated with a private school. Members shall serve for a term of four years. No member is eligible to serve more than two terms consequetively." Or. Rev. Stat. sec. 345.575 (1981).

PENNSYLVANIA
No provision.

PUERTO RICO
No provision.

RHODE ISLAND
No provision.

SOUTH CAROLINA
No provision.

SOUTH DAKOTA
No provision.

TENNESSEE
No provision.

TEXAS
No provision.

UTAH
No provision.

VERMONT
No provision.

VIRGINIA
No provision.

VIRGIN ISLANDS
No provision.

WASHINGTON
Yes. The superintendent of public instruction is to form the committee, and it should be "broadly representive of educators, legislators, and various private school groups in the state . . . ." Wash. Rev. Code sec. 18A.01.150 (1982).

WEST VIRGINIA
No provision.

WISCONSIN
No provision.

WYOMING
No provision.

MASTER TABLE VI

DO STATE STATUTES PROVIDE FOR ANY OF THE FOLLOWING FORMS OF ASSISTANCE TO CHILDREN OR INSTITUTIONS INVOLVED IN PRIVATE OR RELIGIOUS EDUCATION:
TEXTBOOK LOANS? MATERIALS LOANS? TRANSPORTATION?
TESTING SERVICES? COUNSELING? SPECIAL EDUCATION? OTHER?
RELEASE TIME?
TAX DEDUCTIONS? TAX CREDITS? DIRECT FINANCIAL AID?

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ALABAMA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Other Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
No provision.

ALASKA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. "In those places in the state where the department or a school district provides transportation for children attending public schools, the department shall provide transportation for children who . . . attend nonpublic schools . . . where the children, in order to reach the nonpublic schools, must travel distances comparable to and over routes the same as . . . children attending public schools are transported." Alaska Stat. sec. 14.09.020 (1982).

D. Services

1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. An exceptional child may be sent to a special education

program outside the school district of residence if no appropriate program is available. The costs for education are divided between the local school district and the state board of education. Alaska Stat. sec. 14.30.285(b) (1982).

An exceptional child may be sent out of state to a special education program if no appropriate program is available in the state. The costs for education are borne by the state. Alaska Stat. sec. 14.30.285(c) (1982).

AMERICAN SAMOA

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

No provision.

C. Busing

No provision.

D. Services

1. Testing

No provision.

2. Counseling

No provision.

3. Special Ed. Teachers

No provision.

4. Other (specify)

No provision.

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

No provision.

ARIZONA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
Yes. "The governing board of a school district may contract with any public body or private person for the purpose of providing alternative education programs." Ariz. Rev. Stat. sec. 15-796(A) (Supp. 1982).

"'[A]lternative education' means the modification of school curricula and adoption of teaching methods, materials and techniques to provide educationally for those pupils in grades nine through twelve who are unable to profit from regular school curricula and environment." Ariz. Rev. Stat. sec. 15-796(C) (Supp. 1982).

4. Other (specify)
No provision.

E. Release Time
No statutory provision. But see, Op. Atty. Gen. No. R76-292, p. 111, 1976-77. Permitting child to be absent from public school for religious purposes is constitutionally permissible where consent has been obtained, on an annual basis, from all teachers, school presidents, and probation officers for excused absences for religious purposes; but the total number of days of excused religious absences must be reasonable in order that the exemption for excused absences not be abused.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No Provision.

H. Other Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.

Yes. "A school district or county school superintendent may contract with, and make payments to, other public or private schools, institutions and agencies approved by the division of special education, within or without the school district or county, for the education of and provision of services to exceptional children . . . ." Ariz. Rev. Stat. Ann. sec. 15-1181 (Supp. 1982).

ARKANSAS

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

No provision.

C. Busing

No provision.

D. Services

1. Testing

Yes. Private school students may participate on a voluntary basis in the program for testing and evaluation of handicapped students. Ark. Stat. Ann. sec. 80-2134 (1980).

2. Counseling

No provision.

3. Special Ed. Teachers

No provision.

4. Other (specify)

No provision.

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

Yes. "[W]henever, for any reason beyond his or her control, any person of school age, except those recognized as having special problems, shall be prohibited from attending public school, such person . . . may make application to the local school district and/or the State Department of Education for financial aid." Ark. Stat. Ann. sec. 80-1545 (1980).

There is also a provision for financial aid to a student who objects to racial "co-mingling" in a school, but it is clearly unconstitutional under the federal equal protection clause. *See* Ark. Stat. Ann. sec. 80-1530 (1980).

I. Special Ed.; Tuition pmnts.

Yes. "The Department of Education shall provide, or cause to be provided by school districts, . . . or through private facilities, all regular and special education . . . ." Ark. Stat. Ann. sec. 80-2117 (1980).

CALIFORNIA

A. Textbooks (loans/grants?)

No. The state supreme court has declared unconstitutional California's textbook loan program in Cal. Educ. Code sec. 60315 (West Supp. 1983). *California Teacher's Assn v. Riles*, 29 Cal. 3d 794, 176 Cal. Rptr. 300, 632 P.2d 953 (1981).

B. Other materials (loans/grants?)

Yes. Audiovisual materials may be supplied to elementary, secondary and postsecondary schools at cost of handling plus damages, if any, and made available only when not needed by public schools. Cal. Educ. Code sec. 1251 (West 1978). This section has been limited by 61 Op. Att'y Gen. 104, March 14, 1978 (nonpublic school must pay fair rental value).

C. Busing

Yes. Cal. Educ. Code sec. 1270.1 (West 1978). *See also* Cal. Educ. Code sec. 39808 (West 1978) (upheld in *Gordon v. Board of Education of Los Angeles*, 178 P.2d 488, 78 C.A.2d 464 (1947).

D. Services

1. Testing

Yes. Testing services are available only under the National Defense Education Act. Cal. Educ. Code sec. 60670 (West 1978).

2. Counseling

No provision.

3. Special Ed. Teachers

Yes. Cooperation with private schools in the state's special education program is expressly restricted to "nonpublic, nonsectarian schools." Cal. Educ. Code sec. 56001(k) (West Supp. 1983).

4. Other (specify)

Yes. Nonpublic school pupils must be enrolled, if space is available, in vocational and shop classes, and in classes covering natural and physical sciences. Cal. Educ. Code sec. 37113 (West 1978). Also the state loans specialized textbooks, materials and equipment to private schools for visually handicapped children. Cal. Educ. Code sec. 60313 (West 1978).

E. Release Time

Yes, but the pupil must attend "at least the minimum school day for his grade for elementary schools," and follow regulations of the State Board for secondary schools. Cal. Educ. Code sec. 46014 (West 1978).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. This is limited to special education students for whom no appropriate public education program is available, and to nonsectarian school placement. Cal. Educ. Code sec. 56365 (West Supp. 1983).

COLORADO

A. Textbooks (loans/grants?)

Yes. Local schools, "in the discretion of the school board" may provide library resources without charge to teachers and students in private schools, from federal grants made available for this purpose. Colo. Rev. Stat. sec. 22-32-110(1)(dd) (Supp. 1982).

B. Other materials (loans/grants?)

Yes. Local schools "may provide library resources without charge to teachers and students in private schools, from federal grants made available for this purpose. Library resources include: "magnetic tapes, films, phonograph records, and other related library materials and printed and published instructional materials . . . ." Colo. Rev. Stat. sec. 22-32-110(1)(dd) (Supp. 1982).

C. Busing

No provision.

D. Services

1. Testing

No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
Yes. Local schools are authorized to provide "special educational services and arrangements" for educationally deprived children in nonpublic schools "out of federal grants made available specifically for this purpose," including mobile educational services, educational radio and television, and dual enrollment. Colo. Rev. Stat. sec. 22-32-110(1)(cc) (Supp. 1982).

4. Other (specify)
Yes. Dual enrollment "for educationally deprived children" is authorized. Colo. Rev. Stat. sec. 22-32-110(1)(cc) (Supp. 1982).

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. A handicapped child's individual education program "may include the provision of appropriate services for the handicapped child, by agreement or contract with public agencies or nonprofit organizations or residential child care facilities." Colo. Rev. Stat. sec. 22-20-108(4) (Supp. 1982).

CONNECTICUT

A. Textbooks (loans/grants?)
Yes. Local schools may loan textbooks free of charge, for at least a semester's use, to pupils in nonpublic schools. Conn. Gen. Stat. Ann. sec. 10-228a (West Supp. 1983).

B. Other materials (loans/grants?)
Yes. Municipalities can loan funds to "financially responsible" nonpublic schools for construction or renovation of physical facilities, to be used for strictly educational purposes. Conn. Gen. Stat. Ann. sec. 7-121a (West Supp.

1983).

C. Busing

Yes. Conn. Gen. Stat. Ann. secs. 10-277, 280a & 281 (West Supp. 1983).

D. Services

1. Testing

No provision.

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2. Counseling

Yes. Conn. Gen. Stat. Ann. sec. 10-217a (West 1958).

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3. Special Ed. Teachers

Yes. Conn. Gen. Stat. Ann. sec. 10-76d(b) (West Supp. 1983).

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4. Other (specify)

Yes. Every town shall provide the same "health and welfare services" to children in private schools as to those in public schools, so long as the majority of the students are from Connecticut. The services include: school physician, school nurse, dental hygienist, school psychologist, speech remedial services, school social worker's services and special language teachers for non-English speaking students. Conn. Gen. Stat. Ann. sec. 10-217a (West 1958).

Private schools may participate in breakfast, lunch and other feeding programs. Conn. Gen. Stat. Ann. sec. 10-215a, 215b (West 1958 & Supp. 1983).

An experimental demonstration scholarship program is authorized for students in either private or public schools. A demonstration area shall include a substantial number of needy or disadvantaged students. Conn. Gen. Stat. Ann. sec. 10-239a -- 239g (West 1958 & Supp. 1983).

Private schools may participate in programs or services of regional educational service centers at a prorated share of costs. Conn. Gen. Stat. Ann. secs. 10-66d & 66e (West 1958).

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

Yes. Private schools may receive the direct costs of programs designed to increase the educational achievement of disadvantaged children as designated under the federal Title I of the Elementary and Secondary Education Act of 1965. Conn. Gen. Stat. Ann. sec. 10-266 (1) (West 1958).

I. Special Ed.; Tuition pmnts.
Yes. Each local or regional board of education may contract with a private school when the public school cannot meet the needs of the handicapped child. Conn. Gen. Stat. Ann. sec. 10-76d(b) (West Supp. 1983).

A local board that does not maintain a high school must designate a high school, approved by the state board, and pay tuition for its resident children to allow them to attend. Conn. Gen. Stat. Ann. sec. 10-33 (West Supp. 1983). Under this provision Connecticut has designated two privately organized schools. One is considered quasi-public, as it received about 80% of its revenue through tuition payments from local boards.

DELAWARE
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
Yes. School districts may contract with "a private service provider" for supportive services including (but not limited to) physical, art and music education, psychological services, language and speech therapy, physical and occupational therapy. Del. Code Ann. tit. 14, sec. 3123 (1981).

4. Other (specify)
Yes. The state board of education is to make rules and regulations providing for payment of salaries for driver education teachers in nonpublic schools. Del. Code Ann. tit. 14, sec. 127 (1981).

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "Private placement with financial aid" is authorized in limited circumstances. The private schools for these placements must be approved by the state board of education. Del. Code Ann. tit. 14, sec. 3124 (1981).

DISTRICT OF COLUMBIA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
No provision.

FLORIDA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision. See Op. Att'y Gen. 076-61, Mar. 11, 1976 (School Board has no authority to contract with parochial schools for transportation of parochial school's students).

D. Services

1. Testing
No provision.

---

2. Counseling
No provision.

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3. Special Ed. Teachers
No provision.

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4. Other (specify)
Yes. State operated regional diagnostic and resource centers, making available a wide range of diagnostic and counseling services, are authorized to serve children not enrolled in public school for a fee. Fla. Stat. Ann. sec. 229.834 (West 1977).

E. Release Time
Yes. "A student with the notarized written consent of his parents or guardians or a student who has attained the age of majority, upon application of the student, may be excused from attendance in school in grades through 12 for a period of not more than one class period, but not to exceed one class hour, during each school day to participate in religious instruction . . . ." Fla. Stat. Ann. sec. 232.0225 (West Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.: Tuition pmnts.
Yes. The school board has authority to make cooperative agreements or contracts with "approved nonpublic schools or community facilities." Fla. Stat. Ann. sec. 230.23(4)(m)(4) (West Supp. 1983).

GEORGIA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services

1. Testing
No provision.

2. Counseling
No provision. But see 1976 Op. Att'y Gen. 76-118, psychological services may be provided to private school students at the discretion of the state and local boards of education.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision. But see 1968 Op. Att'y Gen. 68-228, local boards may release pupils on the request of their parents to attend religious services or instruction off school premises.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)

Yes. Tuition costs may be reimbursed to parents wishing to send their children to nonsectarian private schools, if the county board determines that a need exists for such payments. The grants are restricted to students attending a private school which meets minimum academic standards prescribed by the State Board of Education. The state superintendent must furnish a list of private schools meeting such standards. Regulations governing the grant program may not deal in any manner with the requirements of the private school relating to eligibility of pupils who may be admitted, or with the physical plant facilities of the school. Ga. Code Ann. secs. 20-2-640 through 20-2-650 (1982).

I. Special Ed.; Tuition pmnts.

Yes. The state board may provide special education services by: "(1) contracting with or making grants to suitable private or public institutions, or with both public and private institutions, inside or outside this state for the provision of such services . . . ." Ga. Code Ann. sec. 20-2-152(c) (1982).

GUAM

A. Textbooks (loans/grants?)

Yes. "The Board shall provide for the use of textbooks adopted for use in the public elementary and secondary schools of Guam, and allow the use of the textbooks so adopted by all students in both public and private elementary and secondary schools of Guam without charge . . . ." Guam Code Ann. tit. 17, sec. 4106 (1982).

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. Transportation to a from facilities providing auxilliary services shall be provided to non-public school students. Guam Code Ann. tit. 17, sec. 6301 (1982).

D. Services

1. Testing

Yes. "Students attending nonpublic schools shall be furnished a program of auxiliary services if such services are available to pupils attending the public schools." Guam Code Ann. tit. 17, sec. 6302 (1982). Auxiliary services include "the supply for use by pupils attending nonpublic schools such standardized tests and scoring services as are in use in the public schools . . . ." Guam Code Ann. tit. 17, sec. 6301(a)(1) (1982).

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2. Counseling

Yes. "Students attending nonpublic schools shall be furnished a program of auxiliary services if such services are available to pupils attending the public schools." Guam Code Ann. tit. 17, sec. 6302 (1982). Auxiliary services include "the provision of guidance and counseling services to pupils attending nonpublic schools." Guam Code Ann. tit. 17, sec. 6301(a)(5) (1982).

3. Special Ed. Teachers
No provision.

4. Other (specify)
Yes. "The Board shall provide a policy for the part-time limited attendance of non-public school students in public schools for the purpose of exposing said students to specific subjects not generally available in the non-public schools. This Section shall be liberally construed to achieve its objective of providing maximum educational opportunity for all students regardless of whether they attend public or non-public schools." Guam Code Ann. tit. 17, sec. 4112 (1982).

E. Release Time
Yes, for no more than one hour per week. Guam Code Ann. tit. 17, sec. 3122 (1982).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. The Department of Education may contract with approved private schools for the provision of services to handicapped children. Guam Code Ann. tit. 17, sec. 9107 (1982).

HAWAII

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services

1. Testing

No provision.

---

2. Counseling

No provision.

---

3. Special Ed. Teachers

No provision.

---

4. Other (specify)

No provision.

E. Release Time

Yes. Release time is not to exceed 60 minutes a week and attendance at religious class shall count as attendance at public schools. Hawaii Rev. Stat. sec. 298-15 (Supp. 1982)

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. If the parents of a crippled child are unable to pay the cost of services the Department of Health will pay. Hawaii Rev. Stat. sec. 321-54 (Supp. 1982)

IDAHO

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

No provision.

C. Busing

No. Idaho Code sec. 33-1501 (Supp. 1983) provides for busing of private school pupils but it was held to violate the state constitution in Epeldi v. Engelking, 94 Idaho 390, 488 P.2d 860 (1971), cert. denied, 406 U.S. 957 (1972).

D. Services

1. Testing

No provision.

---

2. Counseling

No provision.

---

3. Special Ed. Teachers

No provision.

---

4. Other (specify)

Yes. "[R]eimbursable programs shall be open to all residents of the state, of the ages fourteen through eighteen years whether or not they are enrolled in a public, private, or parochial school." (This applies to driver education courses). Idaho Code sec. 33-1703 (1981).

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provison.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

No provision.

ILLINOIS

A. Textbooks (loans/grants?)

Yes. The State Board of Education shall provide for free loans of secular textbooks to students at nonpublic schools which are in compliance with Title VI of the Civil Rights Act of 1964. (federal nondiscrimination by race requirements). Ill. Ann. Stat. ch. 122, sec. 18-17 (Smith-Hurd Supp. 1983).

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. Local schools may provide transportation at cost, for students to and from nonpublic schools, "at times when the buses or other conveyances are not needed for public school transportation." Ill. Ann. Stat. ch. 122, sec. 29-3.2, 29-4 (Smith-Hurd Supp. 1983). See Board of Education, School District No. 142, Cook County v. Bakalis, 299 N.E.2d 737 (1973) (upheld as having secular purpose).

D. Services

1. Testing

Yes. A variety of services are available to "educationally disadvantaged children" in nonprofit nonpublic schools. Ill.

Ann. Stat. ch. 122, sec. 14B-2 (Smith-Hurd Supp. 1983).

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2. Counseling

Yes. Special guidance and counseling of an educationally disadvantaged child, in the child's home, is authorized. Ill. Ann. Stat. ch. 122, sec. 14B-2 (Smith-Hurd Supp. 1983).

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3. Special Ed. Teachers

No provision.

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4. Other (specify)

Yes. Individualized psychological services; individualized instruction; remedial instruction; activities planned to broaden the cultural experience of such children; working relationships with parents of such children; special guidance and counseling of such children and persons in their homes; cooperation with local, state and federal agencies providing facilities, services or activities for such children; employment of additional teachers where necessary. Ill. Ann. Stat. ch. 122, sec. 14B-2 (Smith. Hurd Supp. 1983).

Local school boards are authorized to grant the temporary use of public school houses and grounds (when not occupied by schools) for religious meetings and Sunday schools. Ill. Ann. Stat. ch. 122, sec. 10-22.10 (Smith-Hurd Supp. 1983).

Public school employees may be employed on a part-time or temporary basis by nonpublic schools, provided that such employment is in no way subsidized by the public school, and provided that such employment does not interfere with the employee's public school duties. Ill. Ann. Stat. ch. 122, sec. 24-1.1 (Smith-Hurd Supp. 1983).

Public school driver education classes are open to pupils in nonpublic schools Ill. Ann.Stat. ch. 122, sec. 27-24.2 (Smith-Hurd Supp. 1983).

The state statute contains a general prohibition of "any appropriation, or pay from any school funding anything in aid of any church or sectarian purpose . . . ." Ill. Ann. Stat. ch. 122, sec 22-10 (Smith-Hurd Supp. 1983).

E. Release Time

Yes. Any child over 12 and under 14 is excepted from the compulsory public school attendance requirement "while in attendance at confirmation classes." Ill. Ann. Stat. ch. 122, sec. 26-1(4) (Smith-Hurd Supp. 1983).

Local schools may permit part time attendance in public schools by pupils enrolled in nonpublic schools where there is sufficient space. Ill. Ann. Stat. ch. 122, sec. 10-20.24 (Smith-Hurd Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No general provision. See, People ex. rel., Klinger v. Howlett, 305 N.E.2d 129 (1972) (holding a previous grant plan unconstitutional). However, there is a state fund established to provide grants for innovative secular educational programs in public or private schools. Ill. Ann. Stat. ch. 122, secs. 1051 through 1070 (Smith-Hurd Supp. 1983).

I. Special Ed.; Tuition pmnts.
Yes. The school district is responsible for private school tuition only where the public school is unable to meet the needs of the child. Ill. Ann. Stat. ch. 122, sec. 14-7.02 (Smith-Hurd Supp. 1983).

INDIANA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "The superintendent of public instruction is authorized to contract with in or out-of-state private schools to pay the excess costs of educating children of school age . . . [p]rovided . . . [t]hat any such payment of state moneys be made only in situations wherein the costs of such provision are over and above the regular cost of educating children of like age and grade level in the child's community of residence, and only after each such local school corporations provides its share of the total tuition cost which is the regular per capita cost of general eduction in that community." Ind. Code Ann. sec. 20-1-6-19 (Burns Supp. 1983).

IOWA

A. Textbooks (loans/grants?)
Yes. "Boards of directors of school districts shall be required to provide textbook services to nonpublic school pupils. . . only during years when the general assembly has appropriated funds to the department of public instruction for the payment of claims for textbook costs submitted by the school district." Iowa Code Ann. sec. 301.30 (West Supp. 1983).

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. "Boards of directors of school districts shall be required to provide transportation services to nonpublic school pupils. . . [according to public school standards] when the general assembly appropriates funds to the department of public instruction for the payment of claims for transportation costs submitted by the school district." Iowa Code Ann. sec. 285.2 (West Supp. 1983).

D. Services

1. Testing
Yes. "School districts may, when available, [provide] . . . school testing services . . . to children attending nonpublic schools in this same manner and to the same extent that they are provided to public school students." Iowa Code Ann. sec. 257.26(2) (West Supp. 1983).

2. Counseling

Yes. "School districts may, when available, [provide] . . . guidance services . . . to children attending nonpublic schools in this same manner and to the same extent that they are pro- vided to public school students." Iowa Code Ann. sec. 257.26(2) (West Supp. 1983).

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3. Special Ed. Teachers

Yes. "School districts may, when available, [provide] . . . special education services . . . to children attending nonpublic schools in this same manner and to the same extent that they are pro- vided to public school students." Iowa Code Ann. sec. 257.26(2) (West Supp. 1983).

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4. Other (specify)

Yes. "The state board, when necessary to meet minimum requirements for instruction, shall approve the enrollment of private school children in public school courses." Specified diagnostic (speech, hearing, psychological) services, and health services may be made available. All services must be on a neutral site. Iowa Code Ann. sec. 257.26 (West Supp. 1983).

Iowa's area education agencies (intermediate units) may provide "auxiliary services" for private schools. Iowa Code Ann. sec. 273.2(4) (West Supp. 1983).

The public school may enroll private school students in the public school's bilingual programs. Iowa Code Ann. sec. 280.4(3) (West Supp. 1983).

E. Release Time

Yes. The attendance requirement will not apply to a child "[w]hile attending religious services or receiving religious instructions." Iowa Code Ann. sec. 299.2(4) (West Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

No provision.

KANSAS

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. "Whenever any school district shall provide or furnish transportation [to public school pupils], pupils attending accredited private schools who shall reside on or along the regular route of the school bus or who shall gather . . . where such transportation is provided for pupils attending the public schools, shall be entitled to the privilege of such school bus transportation." Kan. Stat. Ann. sec. 72-8306(a) (1980). See also, Kan. Stat. Ann. sec. 72-5393 (1982) (exceptional children).

D. Services

1. Testing

Yes. However, the services are limited. "Therapeutic psychological and speech and hearing services and programs and services for exceptional children, which cannot be practically provided in any private, nonprofit elementary or secondary school which is located in the school district, shall be provided in the public schools of the school district . . . ." Kan. Stat. Ann. sec. 72-5393 (1982).

2. Counseling

Yes. However, the services are limited. "Therapeutic psychological and speech and hearing services and programs and services for exceptional children, which cannot be practically provided in any private, nonprofit elementary or secondary school which is located in the school district, shall be provided in the public schools of the school district . . . ." Kan. Stat. Ann. sec. 72-5393 (1982).

3. Special Ed. Teachers

Yes. However, the services are limited. "Therapeutic psychological and speech and hearing services and programs and services for exceptional children, which cannot be practically provided in any private, nonprofit elementary or secondary school which is located in the school district, shall be provided in the public schools of the school district . . . ." Kan. Stat. Ann. sec. 72-5393 (1982).

4. Other (specify)

Yes. "[E]very pupil enrolled in a school district or an accredited nonpublic school shall be provided basic hearing screening without charge . . . " Kan. Stat. Ann. sec. 72-1204 (1980).

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "Whenever an exceptional child is educated by a private non-profit corporation or a private institution, such child shall be considered a pupil of the school district . . . for purpose of determining entitlements and participation in all state, county and other financial assistance or payments to such school district." Kan. Stat. Ann. sec. 72-967(5) (1980).

KENTUCKY

A. Textbooks (loans/grants?)
No. The text book aid provision was ruled unconstitutional in Fannin v. Williams, 655 S.W. 2d 480 (Ky. 1983).

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes, but only if paid for by the county government, private schools, or parents on a per capita basis. Ky. Rev. Stat. Ann. sec. 158.115 (1980).

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
Yes. "(1) If the number of children of school age in one classification of exceptionality in a district is not sufficient to justify a special education program for that exceptionality in that district, or if a school district does not provide a special education program for that exceptionality, the board shall provide a program by contract with another county or independent district or private organization that maintains a special education program approved by the state board of education for that exceptionality. (2) The school board of the school district

in which any child resides shall pay for his transportation to and from the program in the other school district or to the private organization providing the program also provides transportation, the cost of transportation shall be included in the total cost." Ky. Rev. Stat. Ann. sec. 157.280 (Supp. 1982).

4. Other (specify)
No provision.

E. Release Time
Yes. "The boards of education shall fix one (1) day each week when pupils who have expressed a desire for moral instruction may be excused for at least one (1) hour to attend their respective places of worship or some other suitable place to receive moral instruction in accordance with the religious faith or preference of the pupils." Ky. Rev. Stat. Ann. sec. 158.220 (1980).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "If the number of children . . . is not sufficient to justify a special education program . . . the board shall provide a program by contract with another county or . . . private organization . . . the cost of which shall not exceed the amount designated by the state department of education for a child of that particular exceptionality." Ky. Rev. Stat. Ann. sec. 157.280 (Supp. 1982).

LOUISIANA

A. Textbooks (loans/grants?)
Yes. "The State Board of Elementary and Secondary Education shall prescribe and adopt school books and other materials of instruction, which it shall supply without charge to the children of this state at the elementary and secondary levels . . . ." La. Rev. Stat. sec. 17:351(A) (West 1982).

B. Other materials (loans/grants?)
Yes. Private schools are reimbursed for the actual cost of providing state required reports. La. Rev. Stat. Ann. sec. 17:361 (West 1982).

C. Busing

Yes. The statute providing free transportation, or reimbursement of transportation costs "shall apply to eligible public and nonpublic school students." However the provision "shall not apply to any student . . . who attends a school which discriminates on the basis of race, creed, color or national origin." La. Rev. Stat. Ann. sec. 17:158(F) (West 1982).

D. Services

1. Testing

No provision.

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2. Counseling

No provision.

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3. Special Ed. Teachers

Yes. "[T]he Department of Education may enter into a purchase of services agreement with any other public or nonpublic school, agency, or institution to provide a free appropriate education to exceptional children . . . ." La. Rev. Stat. Ann. sec. 17:1949 (West 1982).

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4. Other (specify)

No provision.

E. Release Time

No. Children may be excused only for "special and recognized holidays of the child's own faith." La. Rev. Stat. Ann. sec. 17:226(3)(d) (West 1982).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

Yes. "There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount determined under R.S. 47:86 for tuition paid by himself to any private nonprofit elementary or secondary school during the taxable year for elementary or secondary education of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year . . . ." The credit amount shall not exceed the lesser of 1/2 the tuition paid, or fifty dollars, and the school which the child attends must comply with the Civil Rights Act of 1964. La. Rev. Stat. Ann. secs. 47:85 through 47:89 (West Supp. 1983).

H. Direct Financial Aid (note limitations)

Yes. Parents whose income does not exceed $7,500.00 per year, and whose child attends a nonpublic school shall be reimbursed $50.00 per student in grades 1 through 8 and $75.00 per student in grades 9 through 12. La. Rev. Stat.

Ann. secs. 17:2990.1 through 17:2990.6 (West 1982).

I. Special Ed.; Tuition pmnts.
Yes. "In purchasing such [special education] services, the parish or city school board is authorized to negotiate a contract for special education and related services and to pay tuition or other costs . . . ." La. Rev. Stat. Ann. sec. 1949 (West 1982).

MAINE

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
Yes. "A private secondary school may be approved for the receipt of public funds for tuition purposes only if it: meets the requirements for basic school approval . . . ; is non-sectarian . . . ; is incorporated under the laws of the State of Maine or of the United States; and complies with the operating and auditing requirements of [the State Board of Education]. Me. Rev. Stat. Ann. tit. 20-A, sec. 2951 (1983).

I. Special Ed.; Tuition pmnts.
Yes. The commissioner is authorized to make tuition and board payments directly to private special education boarding schools which receive state wards or other pupils placed directly by the state. Me. Rev. Stat. Ann. tit. 20-A, sec. 7302(2) (1983).

MARYLAND

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
Yes. "On application and at no expense to the county or State, each county board may allow any private or parochial school to connect its facilities to a closed-circuit educational television system that is maintained for the use of the public school system for any program presented by way of the system." Md. Educ. Code Ann. sec. 7-107 (1978).

"Each county health department shall provide and fund hearing and vision screenings for all students: (i) In any private school that has received a certificate of approval under sec. 2-206 of this article." Md. Educ. Code Ann. sec. 7-403 (Supp. 1983).

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "A child who needs special educational services that are not provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services." Md. Educ. Code Ann. sec. 8-409 (Supp. 1983).

MASSACHUSETTS

A. Textbooks (loans/grants?)
No. The state code still provides that free textbook loans may be made to pupils in schools which do not discriminate racially. Mass. Gen. Laws ch. 71, sec. 48 (West 1982). However, the textbook loan program was held to violate the state Constitution in Bloom v. School Committee of Springfield, 375 Mass. 35, 379 N.E.2d. 578 (Mass. 1978).

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. Transportation is available for pupils attending nonpublic schools, when the distance exceeds 1 1/2 miles from home to school, so long as "the amount of grant, per pupil, for transportation to private schools in towns which furnish such transportation, shall not exceed the amount of grant per pupil for transportation to public schools . . . " Mass. Gen. Laws ch. 71, sec. 7A. See also Mass. Gen. ch. 76, sec. 1 (1982), amended by Chp. 663 of the 1983 Acts and Resolves of the Massachusetts General Court (providing for equal treatment in transportation of public and nonpublic school pupils). See Murphy v. School Committee of Brimfield, 389 N.E.2d 399 (Mass. 1979).

D. Services
1. Testing
No provision.

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2. Counseling
No provision.

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3. Special Ed. Teachers
No provision.

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4. Other (specify)
Physical health examinations of private school pupils are available, at the request of a parent of a pupil in a private school which does not discriminate on the basis of race in its admissions. Mass. Gen. Laws ch. 71, sec. 57 (West 1982).

E. Release Time

Yes. "Absences may also be permitted for religious education at such times as the school committee may establish; provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto; and provided, further that such time shall be no more than one hour each week." Mass. Gen. Laws ch. 76, sec. 1 (West 1982).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. Local schools may contract with private schools to provide special education. Mass. Gen. Laws ch. 71B, sec. 4 (West 1982); Mass. Gen. Laws ch. 15, sec. 1M(4) (West 1981). The Massachusetts special education law [Mass. Gen. Laws ch. 71B, sec. 4 (West 1982)] provides for private placement of children with special needs if no appropriate program is available within the public school system, and parents agree to the placement. Private placement is also available if parents object to the public program proposed for the child, and the state department reviews the proposal and finds private placement warranted. This law was upheld and found not to violate the state constitutional prohibition on aid to private schools, in *Commonwealth v. School Comm. of Springfield*, 417 N.E.2d 408 (1981).

MICHIGAN

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

Yes. Board of school district may supply "auxiliary services" to nonpublic schools which includes, testing services and street crossing guard services. Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

C. Busing

Yes, with some qualifications:

"(1) A board of a school district providing transportation for its resident pupils,. . . shall provide transportation for each resident pupil in the elementary and secondary grades for whom the school district is eligible to receive state school aid for transportation. These pupils shall be attending either the public or the nearest state approved nonpublic school in the school district to which the pupil is eligible to be admitted. Transportation shall be without charge to the resident pupil." The district is not required to transport children after a distance less than 1 1/2 miles; nor is it required to transport pupils outside the district unless it does so for public school pupils. Mich. Comp. Laws Ann. sec. 380.1321 (West Supp. 1983).

In addition, "Any school district transporting its resident pupils . . . shall transport or pay to transport . . . every resident child . . . attending either the public or the nearest state approved nonpublic school . . . ." Mich. Comp. Laws Ann. sec. 340.5902 (West 1976). Handicapped children and children who cannot safely walk to school can be treated differently. Mich. Comp. Laws secs. 380.5902, & 380.170 through 380.1766 (West Supp. 1983).

D. Services

1. Testing

Yes. Board of school district may supply "auxiliary services" to nonpublic schools which includes testing services. Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

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2. Counseling

Yes. "Auxiliary services shall include . . . school psychological services." Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

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3. Special Ed. Teachers

"Auxiliary services" include "teacher of speech and language services; . . . teacher consultant services for handicapped pupils and other auxiliary service for the handicapped . . . ." See Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983).

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4. Other (specify)

Yes. Mich. Comp. Laws Ann. sec. 380.1217 (West Supp. 1983). School districts must make "auxiliary services" available to students on an equal basis, whether they attend public or nonpublic schools. Mich. Comp. Laws Ann. sec. 380.1296 (West Supp. 1983). This includes street crossing guard services.

E. Release Time

Yes. There is release time "[f]or all children age 12 and 13, to attend confirmation classes, for no more than five months in either year." Mich. Comp. Laws Ann. sec. 380.1561(3)(d) (West Supp. 1983). Also, release time is granted "[f]or all public school children, for religious class instruction, for no more than two class hours per week." Mich. Comp. Laws Ann. sec. 380.1561(3)(a) (West Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No. "A board of a school district shall not apply moneys received by it from any source for the support and maintenance of a school sectarian in character." Mich. Comp. Laws Ann. sec. 380.1217 (West Supp. 1984).

"Nothing in this [private school] act contained shall be construed so as to permit any parochial denominational, or private school to participate in the distribution of the primary school fund." Mich. Comp. Laws Ann. sec. 388.577 (West 1976).

I. Special Ed.; Tuition pmnts.
No provision.

MINNESOTA

A. Textbooks (loans/grants?)
Yes. "The state board of education shall promulgate rules . . . requiring that in each school year, based upon formal requests by or on behalf of nonpublic school pupils in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire textbooks . . . and loan or provide them for use by chilren enrolled in that nonpublic school." The cost per pupil of the textbooks may not exceed the statewide average expenditure per pupil." Minn. Stat. Ann. sec. 123.933 (Subd. 1 & 3) (West Supp. 1983).

B. Other materials (loans/grants?)
Yes. The nonpublic schools may also receive "individualized instructional materials." Minn. Stat. Ann. sec. 123.933 (West Supp. 1983). Individualized instructional materials include film strips, prepared slides, cassettes, desk maps and flash cards as long as they are "secular, neutral, nonideological and not capable of diversion for religious use and are available . . . to public school pupils." See Minn. Stat. Ann. sec. 123.932 (Subd. 1e) (West Supp. 1983).

C. Busing
Yes. School children attending any school which satisfies the compulsory education law are entitled to the same rights

relating to transportation as are public school children. A district "shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by the school board . . . ." Minn. Stat. Ann. sec. 123.78 (Subd. 1) (West Supp. 1983).

A district may provide transportation to children within the district but attending a nonpublic school outside the district provided that "the attendance of such children at school can more safely, economically, or conveniently be provided for by such means." The private school would then pay for this transportation. Minn. Stat. ann. sec. 123.78 (Subd 1a.b) (West Supp. 1983).

D. Services

1. Testing

Yes. Upon formal request, by or on behalf of nonpublic school pupils, the local districts shall acquire "standardized tests and loan or provide them for use by children enrolled in that nonpublic school." Minn. Stat. Ann. 123.933 (West Supp. 1983).

2. Counseling

Yes. Guidance and counseling services are provided by the school district "each year upon formal request . . . by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district . . . ." Guidance services provided pursuant to this section are available only at a public school or neutral site." Minn. Stat. Ann. sec. 123.935 (Subd. 1(b) and 2) (West Supp. 1983).

3. Special Ed. Teachers

Yes. A handicapped child is entitled to attend special education classes at public school and receive transportation. Minn. Stat. sec. 120.17(9) (West Supp. 1983).

4. Other (specify)

Yes. Health services are available as well at "a public school, a neutral site, the nonpublic school or any other suitable location." Minn. Stat. Ann. sec. 123.935 (Subd. 2) (West Supp. 1983).

A nonpublic school may participate in the state's basic skills program (providing technical assistance). Minn. Stat. sec. 121.495(3) (West Supp. 1983).

E. Release Time

Yes. An exemption to the compulsory education law is permitted when the child "attends for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church . . . ." Minn. Stat. Ann. sec. 120.10 (Subd. 3 (3)) (West Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments
Yes. State taxpayers in computing their state income tax are allowed to deduct expenses incurred in providing "tuition, textbooks and transportation." Deducations include up to $500.00 for grades K to 6; up to $700.00 for grades 7-12, including textbooks and transportation (within the state or to an adjacent state only). Minn. Stat. Ann. sec. 290.09 (22) (West Supp. 1983). In Mueller v. Allen, 103 S. Ct. 3062 (1983), the Supreme Court upheld the tax deduction for parents sending their children to parochial schools, primarily because it was also available to parents sending their children to public schools.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
No provision. However, "[i]f a resident handicapped pupil attends a nonpublic school located within the district of his residence, the district shall provide necessary transportation for that pupil . . . ." Minn. Stat. Ann. sec. 120.17 (Subd. 9) (West Supp. 1983).

MISSISSIPPI

A. Textbooks (loans/grants?)
Yes. Textbooks "shall be distributed and loaned free of cost to the children of the free public schools of the state and of all other schools located in the state, which maintain educational standards equivalent to the standards established by the state department of education for the state schools." Miss. Code Ann. sec. 37-43-1 (Supp. 1982).

Private schools which receive such textbooks must annually file "any and all reports as may be required by the commission." Failure to file such reports will result in denial of a new allocation of funds until such reports have been filed. Miss. Code Ann. sec. 37-43-51 (Supp. 1982).

See also, Norwood v. Harrison, 413 U.S. 455 (1973) (held, the state may not distribute free textbooks to private schools which discriminate racially).

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
Yes. Students attending private schools for the purpose of a secular education, may receive a loan not to exceed $200 per year or a total of $2,400. Miss. Code Ann. secs. 37-51-1 through 37-51-21 (1972).

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "Every child who is a resident citizen of the State of Mississippi under twenty-one (21) years of age, who cannot pursue all regular classwork due to reasons of defective hearing, vision, speech, mental retardation, or other mental or physical conditions as determined by competent medical authorities and psychologists, who has not finished or graduated from high school, and who is in attendance in a private or parochial school, shall be eligible and entitled to receive state financial assistance . . . ." Miss. Code Ann. sec. 37-23-61 (1972 and Supp. 1982).

MISSOURI
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "[T]he state board of education may contract for the education of a severely handicapped child . . . with a private agency when the state department of education determines that such an arrangement would be in the best interests of the severely handicapped child." Mo. Ann. Stat. sec. 162.735 (Vernon Supp. 1983).

MONTANA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. "Any child attending a nonpublic school may ride a school bus when a permit to ride such school bus is secured from the operating district by the parent or guardian of such

nonpublic school child and when there is seating capacity . . . . When a nonpublic school child rides a bus, the operating district shall charge such child his proportionate share . . . of the cost of operating such school bus." Mont. Code Ann. sec. 20-10-123 (1983).

D. Services

1. Testing

No provision.

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2. Counseling

No provision.

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3. Special Ed. Teachers

No provision.

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4. Other (specify)

No provision.

E. Release Time

Yes. Mont. Code Ann. 20-1-308 (1983). "The trustees of an elementary or high school district may provide for a religious instruction release time program under which a pupil may be released from regular school attendance for a period not to exceed two hours per week for the purpose of receiving religious instruction . . . ." Mont. Code Ann. 20-1-308 (1983).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. "Whenever the trustees determine that a handicapped child is in need of services that can only be provided by a private institution and the superintendent or public instructor so approves, the board of trustees may negotiate the amount and manner of payment of tuition . . . ." Mont. Code Ann. 20-7-423 (1983).

NEBRASKA

A. Textbooks (loans/grants?)

No. A textbook loan program was held unconstitutional in Gaffney v. State Department of Education 220 N.W. 2d 550.

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. If a local school board provides transportation to its students, it must also do so for students of nonpublic, nonprofit schools. The private school children must adapt to the public school route. Neb. Rev. Stat. sec. 79-487 (1982).

D. Services
No provision.
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. The state may contract with any approved institution in the United States for the education of multihandicapped children. Neb. Rev. Stat. sec. 43-601 (1982).

NEVADA
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No. See Nev. Rev. Stat. sec. 392.300 (1979).

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Implied. "The superintendent of public instruction may provide for the education and care of any handicapped person who is eligible for such benefits by: (a) Making arrangments with the governing body of any institution for the handicapped in any state having any such institution." Nev. Rev. Stat. sec. 395.010(1) (1981).

NEW HAMPSHIRE

A. Textbooks (loans/grants?)
Yes. Any local school board may provide textbooks and educational materials for pupils in nonpublic schools. N.H. Rev. Stat. Ann. sec. 189:49 (1977). See, Opinion of the Justices, 258 A.2d 343 (N.H. 1969).

B. Other materials (loans/grants?)
Yes. Any school board may provide the educational materials for pupils in nonpublic schools. N.H. Rev. Stat. Ann. sec. 189:49 (1977). See also, Opinion of the Justices, 258 A.2d 343 (N.H. 1969).

C. Busing

Yes. N.H. Rev. Stat. Ann. secs. 189:9 & 189:49 (1977). Pupils in private schools are entitled to the same transportation privileges as public school pupils. *See*, *Opinion of the Justices*, 115 N.H. 553, 345 A.2d 412 (1975).

D. Services

1. Testing

Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). *See also* *Opinion of the Justices*, 115 N.H. 553, 345 A.2d 412 (1975).

2. Counseling

Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). *See also* *Opinion of the Justices*, 115 N.H. 553, 345 A.2d 412 (1975).

3. Special Ed. Teachers

Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). *See also* *Opinion of the Justices*, 115 N.H. 553, 345 A.2d 412 (1975).

4. Other (specify)

Yes. The following may be supplied: School physician service, School nurse services, School health services, Textbooks and educational materials, Health and welfare services equivalent to those provided by public schools including speech correction and remedial and diagnostic services, Driver education, Educational television services, Programs for handicapped children, Physical education, and the Hot lunch program. N.H. Rev. Stat. Ann. sec. 189:49 (1977).

E. Release Time

No.

F. Personal Income Tax Deduction for Tuition Payments

No provision. (There is no state income tax.)

G. Personal Tax Credits for Tuition Payments

No provision. (There is no state income tax.)

H. Direct Financial Aid (note limitations)

No provision. However a "test of education voucher programs" when federal funds become available is authorized. The programs "are intended to aid students and not to aid any particular school or type of school." N.H. Rev. Stat. Ann. secs. 194-A:1 through 194-A:8 (1977)

I. Special Ed.; Tuition pmnts.

Yes. N.H. Rev. Stat. Ann. sec. 189:49 (1977). No public monies for the education of handicapped children shall be paid or granted to a nonpublic school, which has not been approved by the state board of education. N.H. Rev. Stat.

Ann. sec. 198:20-a (1977).

NEW JERSEY

A. Textbooks (loans/grants?)

Yes. "The board of education in each school district in the state shall have the power and duty to purchase and to loan textbooks upon individual request, to all students residing in such district, who are enrolled in grades kindergarten through twelve of a public or nonpublic school." N.J. Stat. Ann. sec. 18A:58-37.3(a) (West Supp. 1983).

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. N.J. Stat. Ann. sec. 18A:39-1 (West Supp. 1983). If a district provides transportation generally, it must extend it to children in nonprofit nonpublic schools. Distance to be travelled is limited to 20 miles. If the per pupil cost of the transportation program exceeds $325, then the parent is eligible to receive that amount toward cost of transportation to the nonpublic school.

D. Services

Yes. "To the extent permitted by law, educational improvement centers shall provide support and assistance as described in this section to nonprofit, nonpublic schools" such as diagnosis of education problems. N.J. Stat. Ann. sec. 18A:6-95 (West Supp. 1983). Also available are auxiliary services, including compensatory education services, supportive services for obtaining proficiency in the English language, and home instruction services. N.J. Stat. Ann. sec. 18A:46A-1 through 46A-17 (West Supp. 1983).

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1. Testing

Yes. Contracts with public or private agencies may be made to provide examination, classification and speech correction services to nonpublic school children. N.J. Stat. Ann. sec. 18A:46-19.7 (West Supp. 1983).

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2. Counseling

No provision.

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3. Special Ed. Teachers

Yes. Remedial services for handicapped children in private schools shall be provided in a location determined by the local board, except no such services shall be provided in a church or sectarian school. N.J. Stat. Ann. sec. 18A:46-19.5 (West Supp. 1983).

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4. Other (specify)

County educational audiovisual aids commissions may contract with private nonprofit schools to provide audiovisual aids to the private schools. N.J. Stat. Ann. sec. 18A:51-6 (West Supp. 1983). Also available are support and assistance from educational improvement centers, consisting of diagnosis of educational problems, and development of instructional materials, "[to] the extent permitted by law." N.J. Stat. Ann. sec. 18A:6-95 (West Supp. 1983). Environmental instruction is available from regional environmental education centers. N.J. Stat. Ann secs. 18A:6-83,87 (West Supp. 1983). School lunches are provided to eligible children in private schools. N.J. Stat. Ann. secs. 18A:58-7.1, 58-7.2 (West Supp. 1983).

E. Release Time

No provision. However, an attorney general's opinion upholds dual enrollment programs as valid. Attorney General F.O. 1965, No. 4.

F. Personal Income Tax Deduction for Tuition Payments

No. An earlier law providing for an income tax deduction was held unconstitutional in Public Funds for Public Schools v. Byrne 590 F.2d 514, (3rd Cir. 1979) aff'd, 442 U.S.907 (1979). (Construing N.J. Stat. Ann. sec. 54A:3-1(b)(2) (West Supp. 1983).

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

No provision.

NEW MEXICO

A. Textbooks (loans/grants?)

Yes. Students in approved private schools are entitled to free use of instructional materials, including textbooks and supplementary instructional material. N.M. Stat. Ann. secs. 22-15-1 through 22-15-14 (1978 & Supp. 1983).

B. Other materials (loans/grants?)

Yes. There is an instructional material fund available for textbooks and supplementary instructional material for students in approved private schools. N.M. Stat. Ann. secs. 22-15-1 -- 22-15-14 (1978 & Supp. 1983).

C. Busing

No provision. However, exceptional children may be transported "to and from private, nonsectarian, non-profit training centers for exceptional children operated under contract with a local school board . . . ." N.M. Stat. Ann. sec. 22-16-2.C(3) (Supp. 1983).

D. Services

1. Testing

No provision.

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2. Counseling

No provision.

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3. Special Ed. Teachers

No provision.

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4. Other (specify)

No provision.

E. Release Time

Yes. The time absent is not to exceed one hour each school day, and it must be approved by the local school board. N.M. Stat. Ann. sec. 22-12-3 (1978).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition payments

Yes. "A local school board may make an agreement with private, nonsectarian, nonprofit educational training centers for educating exceptional children and for providing for payment for such education." All such agreements must be approved by the state superintendant of education. N.M. Stat. Ann. sec. 22-13-8 (Supp. 1983).

NEW YORK

A. Textbooks (loans/grants?)

Yes. Loans of textbooks to pupils in private schools are authorized. N.Y. Educ. Law sec. 701 (McKinney Supp. 1983).

B. Other materials (loans/grants?)

No. A statute providing for grants to private schools for maintenance and repair, and tuition reimbursement for low income parents was held unconstituional. Committee for Public Education v. Nyquist, 413 U.S. 756 (1976) (construing

N.Y. Educ. Law secs. 549 through 553, and secs. 559 through 563 (McKinney Supp. 1983)).

C. Busing

The law requires that all noncity districts provide transportation of up to 15 miles for pupils enrolled in grades K-8 who live more than two miles from their school and for pupils enrolled in grades 9-12 who live more than three miles from their school. The distances in each case are measured by the nearest available route from home to school. In addition to providing transportation between home and school for pupils who meet these distance requirements, a school district must designate one or more public schools as centralized pickup points and provide transportation between those points and nonpublic schools. In order for this arrangement to be made, the school district must currently be transporting pupils to that nonpublic school.

City school districts and the city portion of enlarged city school districts are not requird to provide any transportation, except for suitable transportation for children with handicapping conditions. These districts may, however, by a majority vote of the board of education elect to provide transportation. If transportation is provided, it must be provided equally to all children in like circumstances, those attending both public and nonpublic schools. N.Y. Educ. Law sec. 3635 (McKinney Supp. 1983).

D. Services

1. Testing

Yes. State testing materials are provided free of charge to all schools. N.Y. Educ. Law sec. 207 (McKinney 1969).

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2. Counseling

Yes. N.Y. Educ. Law secs. 912, 3602-c(1)(a) (McKinney Supp. 1983).

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3. Special Ed. Teachers

Yes. Under a dual enrollment arrangement, an eligible pupil may attend a public school for part of the day. N.Y. Educ. Law sec. 3602(c)(1) (McKinney Supp. 1983).

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4. Other (specify)

Yes. Every school district shall provide children in private schools, upon request of authorities in that school, all health and welfare services or facilities which are provided to public school students, e.g. services performed by a physician, dentist, dental hygienist, nurse, school psychologist, school social worker, school speech correctionist, vision and hearing tests, and health screening tests. N.Y. Educ. Law sec. 912 (McKinney Supp. 1983). The constitutionality of this provision was upheld in Filler v. Port Washington University Free School, 436 F. Supp. 1231 (E.D.N.Y. 1977).

Pupils in nonpublic schools may also enroll in public school programs in three categories: occupational, handicapped, and gifted education. Such dual enrollment does not in any way jeopardize the pupil's enrollment in the nonpublic school, nor does it involve the pupil's registration in a public school. Through a request for participation in a dual enrollment program, a pupil is enrolled, but no formal registration in the public school is required. The law provides that nonpublic school pupils may not be segregated from public school pupils in any dual enrollment programs. N.Y. Educ. Law sec. 3602(c) (McKinney Supp. 1983).

E. Release Time
Yes. Release time for religious observance and education is authorized under rules established by Commissioner of Education. N.Y. Educ. Law sec. 3210(1)(b) (McKinney 1981).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provison.

H. Direct Financial Aid (note limitations)
No. A statute providing for grants to private schools for maintenance and repair, and tuition reimbursement for low income parents was held unconstituional. Committee for Public Education v. Nyquist, 413 U.S. 756 (1976) (construing N.Y. Educ. Law secs. 549 through 553, and secs. 559 through 563 (McKinney Supp. 1983)).

I. Special Ed.; Tuition pmnts.
Yes. The state can contract with private schools for the special education of handicapped students. N.Y. Educ. Law sec. 4401.2 (McKinney 1981 & Supp. 1983).

NORTH CAROLINA
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
Yes. "Any school may, on a voluntary basis, participate in

any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs." N.C. Gen. Stat. sec. 115C-551 (1983).

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "When a specified special education or related service is being offered by a local public or private resource, any unit or agency described above shall negotiate for the purchase of that service or shall present full consideration of alternatives and its recommendations to the Board." N.C. Gen. Stat. sec. 115C-110 (1983).

NORTH DAKOTA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. "When authorized by the school board of a public school district . . . elementary and high school students attending nonpublic schools shall be transported on public school buses to and from the point or points on established public school bus routes . . . provided, however, no payments shall be made from the county equalization funds or state funds for any mileage costs for any deviation from the established public routes . . . ." N.D. Cent. Code sec. 15-34.2-16 (Supp.

1983).

D. Services

1. Testing

No provision.

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2. Counseling

No provision.

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3. Special Ed. Teachers

No provision.

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4. Other (specify)

No provision.

E. Release Time

Yes. "Upon the request of an elementary or high school student's parent or guardian, the school district shall release such student for a period of not to exceed one hour per week for religious instruction, at such time as prescribed by the school board after consultation with the parent or guardian of such student." N.D. Cent. Code sec. 15-34.2-17 (1981).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. "If any . . . handicapped . . . student . . . is unable to attend the public schools in the district because of a physical or mental handicap or because of a learning disability, such school district shall contract with any accredited private nonsectarian nonprofit corporation within or without the state . . . which has proper facilities for the education of such student. The contract shall provide that such school district agrees to pay . . . an amount for the school year equal to two and on-half times the state average per-pupil elementary or high school cost. . . ." N.D. Cent. Code sec. 15-59.07 (1981). See In re G.H., 218 N.W.2d 441 (N.D. 1974).

OHIO

A. Textbooks (loans/grants?)

Yes. "Moneys paid to school districts . . . may be used for the following independent and fully severable purposes: A) to purchase such secular books as have been approved by the superintendent of public instruction for use in the public schools . . . and to loan such textbooks to students attending nonpublic schools within the district or to their parents . . . ." Ohio Rev. Code Ann. sec. 3317.06(A) (Page Supp. 1982).

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. The board of education must provide transportation for children from grades K-8 who live more than 2 miles from the nonpublic school they attend when such school is in compliance with the rules promulgated by the State Board of Education. Ohio Rev. Code Ann. sec. 3327.01 (Page 1980).

D. Services

1. Testing

Yes. "Moneys paid to school districts . . . shall be used for the following independent and fully severable purposes: H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are used in the public schools . . . ." Ohio Rev. Code Ann. sec. 3317.06(H) (Page Supp. 1982).

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2. Counseling

Yes. "Moneys paid to school districts . . . shall be used for the following independent and fully severable purposes: . . . to provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district . . . [and] [t]o provide guidance and counseling services to pupils attending nonpublic schools within the district . . . ." Ohio Rev. Code Ann. sec. 3317.06(E) (F) (Page Supp. 1982).

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3. Special Ed. Teachers

Yes. "Moneys paid to school districts . . . shall be used for the following independent and fully severable purposes: . . . To provide remedial services to pupils attending non public schools within the district." Ohio Rev. Code Ann. sec. 3317.06(G) (Page Supp. 1982).

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4. Other (specify)

Yes. Hearing tests, doctor's, dental and optometric services are provided. Ohio Rev. Code Ann. sec. 3317.06(B)(C) (Page Supp. 1982).

Clerical personnel are funded to assist in the administrations of programs for private education. Ohio Rev. Code Ann. sec. 3317.06(J) (Page 1980).

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
Yes. Private school tuition tax credits are allowed if a child is enrolled in grades 1-12 in a school for which state board of education prescribes minimum standards and which does not discriminate in the admission of pupils or hiring of teachers on basis of race, creed, color or national origin. Ohio Rev. Code Ann. sec. 5747.05 (Page 1980).

H. Direct Financial Aid (note limitations)
Yes. Nonpublic schools are reimbursed (not to exceed $100.00 per pupil) for the "[a]ctual mandated service administrative and clerical cost incurred by such school . . . in preparing maintaining, and filing reports, forms, and records, and in providing such other administrative and clerical services that are not an integral part of the teaching process as may be required by state law or rule . . . ." Ohio Rev. Code Ann. sec. 3317.063 (Page Supp. 1982).

I. Special Ed.; Tuition pmnts.
Implied. "It is the purpose of this chapter to assure that all handicapped children of compulsory school age in this state shall be provided with an appropriate public education." Ohio Rev. Code Ann. sec. 3323.02 (Page Supp. 1982).

Appropriate public education is that "[p]rovided at public expense . . . ." Ohio Rev. Code Ann. sec. 3323.01(D)(1) (Page Supp. 1982).

OKLAHOMA

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

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2. Counseling

No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision. However, children of the Jewish faith are excused on Rosh Hashanah and Yom Kippur. Okla. Stat. Ann. tit. 70, sec. 10-105 (West Supp. 1982).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No. However there is provision for credit on property taxes toward payment of tuition in another public school district. Okla. Stat. Ann. tit. 70, sec. 1-113(b) (West Supp. 1982).

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "It shall be the duty of each school district to provide special education for all exceptional children herein defined . . . [t]his duty may be satisfied by: [t]he district joining in a cooperative program with a private . . . institution within such district to provide special education for children who ar deaf or hard-of-hearing, or for children who are blind or partially blind . . . ." Okla. Stat. Ann. tit. 70, sec. 13-101(4) (West Supp. 1982).

OREGON
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. If the private school is on or near a public school bus route, a child may ride the bus to that school. Or. Rev. Stat. sec. 332.415 (1981).

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
Private school children may take driver's education in a public school. Or. Rev. Stat. sec. 343.730-343.730 (1981).

E. Release Time
Yes. Up to two hours per week. Or. Rev. Stat. sec. 339.420 (1981).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provsion.

I. Special Ed.; Tuition pmnts.
Yes. For any handicapped child, the local board, "may contract with private agencies . . . for special education." *See* Or. Rev. Stat. sec. 343.221(4). The district must provide an alternative program for children who are about to be expelled. The alternative can be private, if no public program is available; the private program must be registered with the state department of education, and special education must be approved by the state department. Or. Rev. Stat. sec. 339.253 (1981).

PENNSYLVANIA

A. Textbooks (loans/grants?)
Yes. "The Secretary of Education directly, or through the intermediate units, shall have the power and duty to purchase textbooks . . . and, upon individual request, to loan them to all children" attending nonpublic schools. Pa. Stat. An. tit. 24, sec. 9-973(c)(Purdon Supp. 1983).

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. The board of school directors in any school district may, out of the funds of the district provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which

he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries . . . ." Pa. Stat. Ann. tit. 24, sec. 13-1361(1) (Purdon Supp. 1983).

D. Services

1. Testing

Yes. Auxiliary services under 9-972.1 include testing. See Pa. Stat. ann. tit. 24, sec. 9-972.1(b) (Purdon Supp. 1983).

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2. Counseling

Yes. Auxiliary services under 9-972.1 include counseling. See Pa. Stat. Ann. tit. 24, sec. 9-972.1(b) (Purdon Supp. 1983).

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3. Special Ed. Teachers

No provision.

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4. Other (specify)

Yes. Auxiliary services under 9-972.1 encompass psychological and visual services, remedial services, and speech and hearing services. Pa. Stat. Ann. tit. 24, sec. 9-972.1(b) (Purdon Supp. 1983).

E. Release Time

Yes. Up to 36 hours per school year may be used for release time "provided that the request shall identify and describe the instruction, and the dates and hours for which absence is requested." The parent must also submit "a statement attesting that the child did in fact attend the instruction . . . ." Pa. Stat. Ann. tit. 24, sec. 15-1546 (Purdon Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No. The Parent Reimbursement Act for Nonpublic Education was declared unconstitutional in Sloan v. Lemon, 413 U.S. 825 (1973).

I. Special Ed.; Tuition pmnts.

Yes. If a handicapped child is approved by the Department of Education to enroll in a school under the supervision of or subject to review or approval by the Department of Education, "the school district . . . shall pay 20% of the cost of tuition and maintenance . . . ; and the Commonwealth shall pay . . . 80% of the cost of tuition and maintenance." The statute provides upper limits on the amount the state will pay for tuition and maintenance depending on the type of handicap. Pa. Stat. Ann. tit. 24, sec. 13-1376 (Purdon Supp. 1983).

PUERTO RICO

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

No provision.

C. Busing

No provision.

D. Services

1. Testing

No provision.

2. Counseling

No provision.

3. Special Ed. Teachers

No provision.

4. Other (specify)

No provision.

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. "The Secretary is likewise empowered and directed to contract for the services of any institution or private school for deaf-mutes . . . ." P.R. Laws Ann. tit. 18, sec. 1044 (1974).

RHODE ISLAND

A. Textbooks (loans/grants?)

Yes. "The school committee shall furnish upon request . . .

textbooks . . . to all pupils of elementary and secondary school grades resident in such community . . . ." R.I. Gen. Laws sec. 16-23-2 (1981).

This section, under which textbooks may be lent for use in sectarian schools, does not violate the establishment of religion prohibitions of the state constitution (R.I. Const. art 1, sec. 3). Bowerman v. O'Connor 104 R.I. 519, 247 A.2d 82 (1968).

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. "The school committee of any town shall provide suitable transportation to and from school for pupils attending . . . private schools of elementary and high school grades, except such private schools as are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity." R. I. Gen. Laws sec. 16-21-1 (1981).

D. Services

1. Testing

Yes. "It is a matter of state duty and concern that such nonpublic schools be reimbursed for the actual costs which they incur in providing services to the state which they are required by law to render in . . . ." R.I. Gen. Laws sec. 16-40.1-1 (1981).

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2. Counseling

No provision.

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3. Special Ed. Teachers

No provision.

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4. Other (specify)

Yes. The federally funded School Lunch Program extends to private school children. See generally R.I. Gen. Laws sec. 16-8-7 and 16-8-8 (1981).

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

Yes. "The deduction is limited to $500 for each dependent in Kindergarten through 6th grade and $700 for each dependent in grades 7-12 . . . attending elementary or secondary school." The school must be nonprofit. R.I. Gen. Laws sec. 44-30-12

(1981).

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
No provision.

SOUTH CAROLINA
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

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2. Counseling
No provision.

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3. Special Ed. Teachers
No provision.

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4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision. A tuition program (S.C. Code sec. 59-41-20) was declared unconstitutional in Brown v. South Carolina State Bd. of Educ., 296 F. Supp. 199 (D.S.C. 1968).

I. Special Ed.; Tuition pmnts.
Yes. "When a school district cannot . . . [provide] for the

education of its resident handicapped students because of insufficient numbers the district may contract with . . . private institutions . . . provided, . . . such institutions shall accept applicable children, into the program regardless of color, race, sex or religion." S.C. Code sec. 59-33-50 (1976).

SOUTH DAKOTA

A. Textbooks (loans/grants?)

Yes. "It is declared to be the policy of this state that the common good and general welfare of the state are promoted by an educated and enlightened citizenry and to assist in achieving those goals and in accord with the child benefit doctrine, there shall be loaned without charge to all persons ages five through nineteen such nonsectarian textbooks and text-related workbooks designed for individual use as are normally furnished by the school boards . . . to the student enrolled in the public schools . . . ." S.D. Codified Laws Ann. sec. 13-34-16.3 (1982).

B. Other materials (loans/grants?)

No provision. See Op. Att'y Gen. 1951-52, p.7. (Reimbursement for room and board of private school students is prohibited.)

C. Busing

No provision.

D. Services

1. Testing

No provision.

2. Counseling

No provision.

3. Special Ed. Teachers

No provision.

4. Other (specify)

Private schools do not have to pay sales tax or use tax. S.D. Codified Laws Ann. secs. 10-45-14 & 10-46-15 (1978).

E. Release Time

Yes. Release time to attend a church or association of churches is permitted, but not at public expense. S.D. Codified Laws Ann. sec. 13-33-10 (1982).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "The superintendent of elementary and secondary education shall have the authority to assign children to a vendor for purposes of special education . . . . When a child has been so assigned, the school district where such child has school residence shall be responsible for the costs of such special education . . . ." S.D. Codified Laws Ann. sec. 13-37-7 (1982).

TENNESSEE

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

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2. Counseling
No provision.

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3. Special Ed. Teachers
No provision.

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4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "The responsibility of local governments, school districts, and the state, to provide a free public education for handicapped children is not diminished by the availability of private schools and services. Whenever such schools and services are utilized, it continues to be the public responsibility to assure an appropriate quantity and quality of instructional and related services . . . ." Tenn. Code Ann. sec. 49-2913(E) (1977).

TEXAS

A. Textbooks (loans/grants?)
Yes. Textbooks may be purchased by private schools from the State Depository at the same discount granted the state by the publisher. Tex. Educ. Code Ann. sec. 12.35 (Vernon 1972).

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision. But see, Op. Atty. Gen. No. 0-7128 (1946) (pupils of parochial schools cannot be transported on public school buses).

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. Residential placements when approved may be paid for from a combination of federal, state and local funds. Tex. Educ. Code Ann. sec. 16.104(1) (Vernon Supp. 1982).

UTAH

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services

1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
Yes. Private school students may enroll for driver education on the same terms and conditions as public school students at no cost. Utah Code Ann. sec. 53-14-13.5 (1981).

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
No provision.

VERMONT

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
Yes. The periodic released time statute provides time for religious instruction at least once a week, not on public school property. Such programs must not interfere with any student's completion of graduation requirements. Written permission by a parent is required. Vt. Stat. Ann. tit. 16, secs. 1051, 1055 (1974).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No. An earlier aid statute which paid salaries of private school teachers was held unconstitutional in Americans for Separation of Church and State v. Oakey, 339 F. Supp. 545 (D. Vt. 1972).

I. Special Ed.; Tuition pmnts.
Yes. The commissioner of education may provide for the private instruction of handicapped children "when private instruction will best serve the interests of such persons." The state will pay the tuition in private school for such pupils. Vt. Stat. Ann. tit. 16, secs. 3441(3), 3445 (1982).

VIRGINIA
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
No provision.

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No provision.

E. Release Time
No provision.

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. "If a school division is unable to provide a free appropriate public education to a handicapped child and it is not appropriately available in a State facility, it shall offer to place the child in a nonsectarian private school for the handicapped approved by the Board of Education . . . . The school board of such division shall pay to, or on behalf of the parent or guardian of such child, the reasonable tuition cost and other reasonable charges as may be determined by the Board of Education . . . ." Va. Code sec. 22.1-218 (1980).

VIRGIN ISLANDS
A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing

Yes. "The Commissioner of Education, with the approval of the Governor, shall prescribe rules and regulations covering the free transportation of school children within and without the urban areas of the Virgin Islands." V.I. Code Ann. tit. 17, sec. 101 (1976). See also, 1 V.I. Op. Att'y Gen. 325, holding that it would not be objectionable on constitutional grounds for the Department of Education to provide for the transportation of children to and from Catholic parochial high schools.

D. Services

1. Testing

No provision.

2. Counseling

No provision.

3. Special Ed. Teachers

No provision.

4. Other (specify)

No provision.

E. Release Time

No provision.

F. Income Tax Exemption

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

Yes. "Subsidies from Government funds available for such purpose may be granted to schools other than public schools, for strictly educational purposes . . . . However, no subsidy or financial help shall be given by the Government to denominational or sectarian schools or institutions. Subsidies may be withdrawn at any time by the Board upon the recommendation of the Commissioner." V.I. Code Ann. tit. 17, sec. 191 (1976).

I. Special Ed.; Tuition pmnts.

Yes. "Nothing in this chapter shall be construed to prevent the Department of Education from making arrangements with, and/or payments to, public and private schools, institutions and agencies, for services to handicapped children where it is unable to provide satisfactory service with its own facilities and personnel . . . ." V.I. Code Ann. tit. 17, sec. 288(a) (Supp. 1982).

WASHINGTON

A. Textbooks (loans/grants?)

No provision. However, a notice that surplus texts are available for sale must be sent to private schools. Wash. Rev. Code sec. 28A.02.111 (1982).

B. Other materials (loans/grants?)

No. However, materials available at an educational service district may be available to private schools, at cost. Wash. Rev. Code sec. 28A.21.086 (1982).

C. Busing

No. Private school children may ride public school buses, but it is a local board option, provided routes are not changed, space is available, and the actual cost is paid. Wash. Rev. Code sec. 28A.24.065 (1982).

D. Services

1. Testing

No provision.

2. Counseling

No provision.

3. Special Ed. Teachers

No provision. However, school district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency. Wash. Admin. Code ch. 392-171-666(1) (1982). Also, the Commission for the Blind is authorized to employ "qualified educational consultants to assist public or private school teachers responsible for teaching the visually handicapped student." Wash. Rev. Code sec. 74.16.490 (1982).

4. Other (specify)

Yes. "The board of directors of any school district is authorized, and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary series for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses with the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school with the district for the purpose of attending a class or classes or a course of instruction if the class, classes or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: Provided, that this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district. Wash. Rev. Code sec. 28A.41.145(2) (1983).

E. Release Time

No provision. However, the local district has authority to temporarily excuse children from attendance requirements on request of a parent. The excused absence is not to be granted if "deemed to cause a serious adverse effect upon the student's eductional progress . . . ." *See* Wash. Rev. Code sec. 28A.27.010 (1982).

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

No provision.

WEST VIRGINIA

A. Textbooks (loans/grants?)

Yes. County boards of education may provide state-adopted textbooks for the use of private school pupils whose parents are unable to provide them. W. Va. Code sec. 18-5-21b (1984).

B. Other materials (loans/grants?)

No provision.

C. Busing

Yes. School boards are authorized to provide transportation to "all children of school age who live more than two miles distance from school by the nearest available road . . . ." W. Va. Code sec. 18-5-13(6) (1984). However, parochial and private school children can be paid in lieu of transportation provided to public school children. *Jancesiewicz v. Board of Educ.*, 299 S.E.2d 34 (1982). *Cf. State v. Board of Educ.*, *154* W. Va. 107, 174 S.E.2d 711 (1970).

D. Services

1. Testing

No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
"Any private, parochial or church school or school of a religious order or other nonpublic school . . . may, on a voluntary basis, participate in any state operated or state sponsored program otherwise available to such schools by law." W. Va. Code sec. 18-28-4 (1984).

E. Release Time
A child may be exempted by the county board of education, from the compulsory public school attendance requirement "for religious instruction upon written request of the person having legal or actual charge of a child." It is not clear whether this exemption refers to total excusal or simply released time. W. Va. Code sec. 18-8-1(J) (1984).

However, "it is the public policy of the state in matters of education that no human authority shall, in any case whatever, control or interfere with the rights of conscience or with religious liberty . . . [but that all people shall] be free to select their religious instructor, and to make for his or her support, such private contract as they shall please, and that religion, morality and knowledge being necessary to good government and the happiness of humankind, the means of education shall forever be encouraged." W. Va. Code sec. 18-28-1 (1984).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments
No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
Yes. The State Board of Education must adopt rules and regulations to assure that all exceptional children, including those in private schools, "receive an education in accordance with the mandates of state and federal laws." W. Va. Code sec. 18-20-1 (1984).

WISCONSIN

A. Textbooks (loans/grants?)
No provision.

B. Other materials (loans/grants?)
No provision.

C. Busing
Yes. Section 121.54 provides a wide variety of conditions under which private school children may receive transportation, including, for example where the child has exceptional needs or must pass by a hazardous area. Transportation for extracurricular activities is also permissible. Cities have an option of providing transportation under other circumstances, provided that "there shall be reasonable uniformity in the transportation furnished such pupils whether they attend public or private schools." Wis. Stat. Ann. sec. 121.54 (Supp. 1983).

D. Services
1. Testing
No provision.

2. Counseling
No provision.

3. Special Ed. Teachers
No provision.

4. Other (specify)
No.

E. Release Time
Yes. "Any school board shall, without approval of the state superintendent, permit pupils with written permission of a parent or guardian to be absent from school at least 60 minutes, but more than 180 minutes per week to obtain religious instruction outside the school during the required school period. The supervisor of such religious instruction shall report monthly, to the principal of the school regularly attended, the names of the pupils who attended such weekly religious instruction. The school board may deny the privilege of released time to pupils who absent themselves from such religious instruction after requesting the privilege. The time period, or periods alloted for the pupil to be absent from school for the purpose of religious instruction shall be determined by the school board." Wis. Stat. Ann. sec. 118.155(1) (West Supp. 1983).

F. Personal Income Tax Deduction for Tuition Payments
No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)

No provision.

I. Special Ed.; Tuition pmnts.

Yes. "To provide a special education program which is appropriate to the child's needs, the school board may, upon approval of the state superintendent and if no equivalent public program is available, contract with a private special education service if the placement is warranted on the basis of a less restrictive environment alternative. Private special education services provided under this subchapter may not include religious or sectarian teachings or instruction. If the local school board utilizes the placement option under this paragraph, the school district of residence and not the county of residence shall pay tuition charges for exceptional children." Wis. Stat. Ann. sec. 115.85(2)(d) (West Supp. 1983).

WYOMING

A. Textbooks (loans/grants?)

No provision.

B. Other materials (loans/grants?)

No provision.

C. Busing

No provision.

D. Services

1. Testing

No provision.

2. Counseling

No provision.

3. Special Ed. Teachers

No provision.

4. Other (specify)

No provision.

E. Release Time

No provision.

F. Personal Income Tax Deduction for Tuition Payments

No provision.

G. Personal Tax Credits for Tuition Payments

No provision.

H. Direct Financial Aid (note limitations)
No provision.

I. Special Ed.; Tuition pmnts.
No provision.